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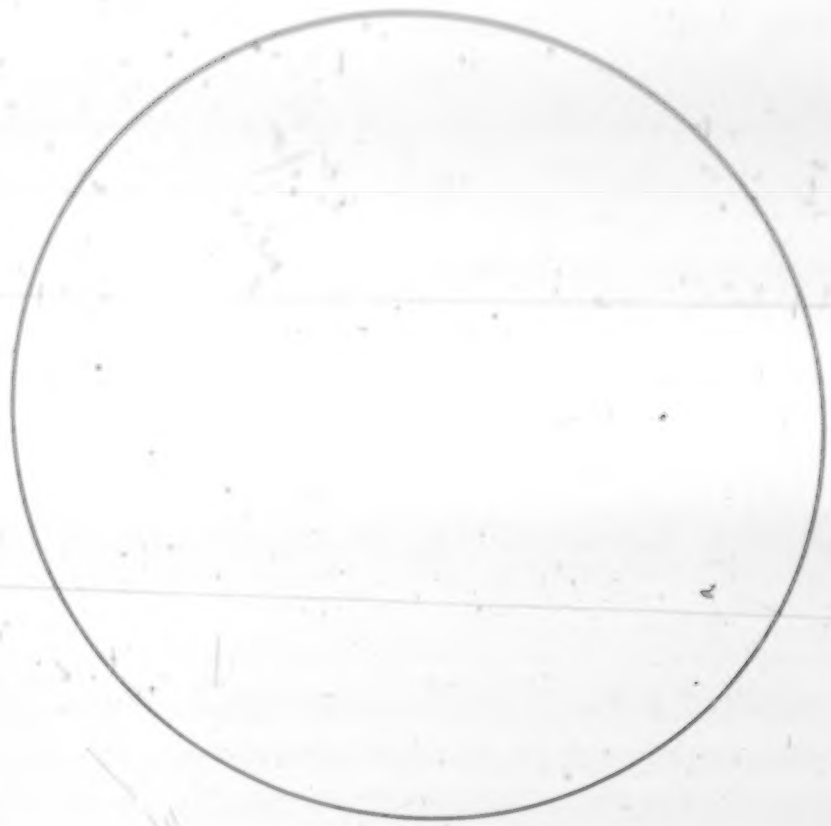

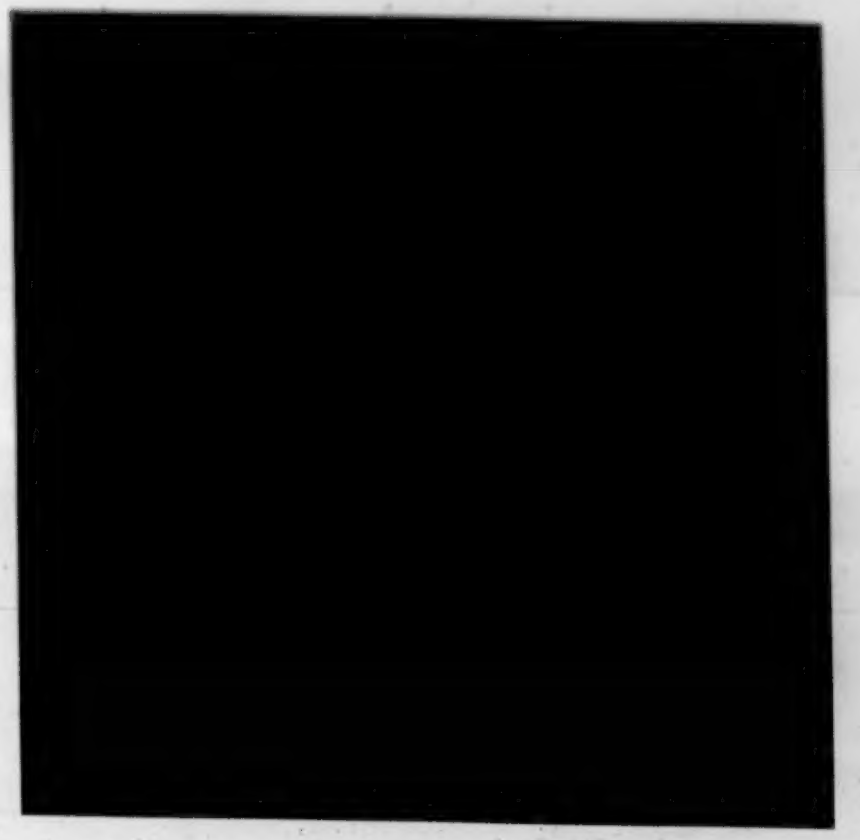

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# NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 391

CHEROKEE FREEDMEN 8963 - 8987

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher Fr R 12

Trans. from Cher Fr D 652

[illegible]

[illegible]

[illegible] Cherokee Nation

[illegible] Cherokee children

[illegible] Q. What is your name? A. - Nellie Rogers.

Q. - How old are you?

A. - I don't know exactly. I was born in slavery time.

Q. - What is your post office?

A. - Vinita.

Q. - How big a girl were you when the war broke out?

A. - I was big enough girl to know when freedom was.

Q. - Were you 10 or 12 years of age?

A. - I might have been; I was old enough to know.

Q. - What district do you belong to? A. - Cooweescoowee.

Q. - How long have you been living in the Territory, in the Creek Nation?

A. - Born and raised there.

Q. - Been there all your life? A. - Yes, sir.

Q. - Been living outside the Territory during the last ten or three years? A. - No, sir.

Q. - Do you think your name is on the roll of 1880?

A. - Yes, sir.

Q. - From which district were you enrolled? A. - Cooweescoowee.

Q. - Who was your owner? A. - Louis Rogers.

Q. - What was your father's name? A. - Charlie.

Q. - Is he living or dead? A. - Dead.

Q. - What district did he belong to?

A. - Cooweescoowee District.

Q. - Who was your mother's owner?

A. - Rogers. She got her name Rogers.

Q. - What was your mother's name? A. - Sarah Rogers.

Q - Is she living? A - Yes, sir.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who did she belong to? A - Louis Shepherd.

Q - Are you married?

A I been married, but we separated six years ago.

Q - Is your husband a Cherokee?

A - No, sir, a black man.

Q - Have you any children? A - Yes, sir.

Q - Under age? A - Yes, sir.

Q - What are the names of your children under age?

A - Henry, about 17, Maria about 16, [illegible] about 12, Hattie 6 years old, Helena about 5, and Otho, about [illegible] years old.

---

We must refuse your enrollment for the reason that your name does not appear upon the authenticated roll of 1896.

---

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, also my official hand as stenographer to the foregoing Commission, that the transcript is a true, full and correct transcription of my stenographic notes.

Bruce C. Jones

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEC 14 1896
RECEIVED

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1900

Acting Commissioner

R. 12

# CHEROKEE FREEDMEN.

Date 5/11 (1896)

Name Billie Rogers, age 14 years

District Tahlequah, I.T. Year Page No.

Mother's citizenship Cherokee freed. Sarah Rogers living

Married 1866, U.S. C.T.

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

| | | | | | |
|---|---|---|---|---|---|
| Henry | Dist. | Year | Page | No. | Age 17. |
| Berta | Dist. | Year | Page | No. | Age 15 |
| Clara | Dist. | Year | Page | No. | Age 12 |
| Hattie | Dist. | Year | Page | No. | Age 9 |
| Helena | Dist. | Year | Page | No. | Age 5 |
| Odee | Dist. | Year | Page | No. | Age 4 |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |
| | Dist. | Year | Page | No. | Age |

C Cherokee Freedman D 612

IN RE
Application for Enrollment of
INFANT CHILD

Dewey McCurnick
as a citizen of

Cherokee Nation

Approved Jun 11 1901 190

T. B. Needles
Commissioner

JUN 11 1901

acting
Chairman

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

[illegible] Cherokee Nation

of Dewey McCormick (Name under which enrolled) born on the 4 day of August, 1899

Father: Calvin McCormick a citizen of the U. S. Nation

Mother: Bettie McCormick a citizen of the Cherokee Nation

Post Office Muskogee, I. T.

---

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Bettie McCormick, on oath state that I am 46 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Calvin McCormick, who is a citizen, by adoption, of the Cherokee U.S. Nation; that a Dewey (Male or Female) child was born to me on 4 day of August, 1899; that said child has been named Dewey McCormick, and is now living.

Witnesses to Mark: her Bettie X mark McCormick

(Must be Two Witnesses) T. H. Finley

F. D. Thomas

Subscribed and sworn to before me this 10 day of June, 1901.

Louis T. Brown
Notary Public.

---

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Sarah London, a midwife, on oath state that I attended on Mrs. Bettie McCormick, wife of Calvin McCormick on the 4 day of August, 1899; that there was born to her on said date a (Male or Female) child; that said child is now living and is said to have been named Dewey McCormick

Witnesses to Mark: her Sarah X mark London

(Must be Two Witnesses) T. H. Finley

F. D. Thomas

Subscribed and sworn to before me this 10 day of June, 1901.

Louis T. Brown
Notary Public.

[illegible] Charles Goodman, [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Charles [illegible] Notes

Approved Jan 11 1901 [illegible]

T. B. Reed [illegible]

[illegible]

[illegible]

JUN 1 1 1901

[illegible]

# DEPARTMENT OF THE INTERIOR.

[illegible]

In the Application for Enrollment as a citizen of the Cherokee Nation

of O. D. McCormick born on the 10 day of October, 1897

Name of Father Calvin McCormick a citizen of the U. S. Nation

Name of Mother Bettie McCormick a citizen of the Cherokee Nation

Post-office Muskogee, I.T.

## AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District

I, Bettie McCormick, on oath state that I am 40 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Calvin McCormick, who is a citizen, by ----------, of the U. S. Nation; that a male (male or female) child was born to me on 10 day of October 1897 that said child has been named O. D. McCormick, and is now living.

her
Bettie X McCormick
mark

WITNESSES TO MARK
(Must be Two Witnesses)
T. H. Finley
F. D. Thomas

*Subscribed and sworn to before me this* 10 *day of* June *1901*.

My Com. ex 3/17/04

Louis T. Brown
NOTARY PUBLIC

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District,

I, Sarah London, a midwife, on oath state that I attended on Mrs. Bettie McCormick, wife of Calvin McCormick on the 10 day of October, 1897; that there was born to her on said date a male (male or female.) child; that said child is now living and is said to have been named O. D. McCormick.

her
Sarah X London
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
T. H. Finley
F. D. Thomas

*Subscribed and sworn to before me this* 10 *day of* June *1901*.

My Com. Ex 3/17/04

Louis T. Brown
NOTARY PUBLIC.

[illegible]

[illegible]

[illegible]

Q What is your name? A Sarah Lewis.
Q How old are you? A I don't know sir.
Q Are you a Cherokee by blood sir? A I suppose so. I don't know.
Q How old do you think you are? A [illegible]
Q Are you married? A [illegible]
Q Where do you live? A Muskogee.
Q Are you living in the Cherokee Nation, or are you living at Muskogee? A I am living at Muskogee now.
Q What district in the Cherokee Nation do you claim as your home? A [illegible]
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, six children.
Q Are these six children all under 21 years of age? A I couldn't tell you exactly, there's one of the boys can tell you the ages of them.

Milton LONDON, being sworn and examined by Commissioner Brockenbridge, testified as follows:
Q What is your name? A Milton London.
Q Are you a son of this woman here? A Yes sir.
Q How many children has your mother? A She has got 10 altogether.
Q How many of them are under 21 years of age? A Two.
Q Are these two unmarried? A Yes sir.

APPLICANT RE-CALLED:
Q How long have you lived in the Cherokee nation? A Been living there all my life.
Q You ever been out at all? A Yes sir.
Q You out during the war? A Yes sir, I was sent out before the war, down south.
Q Down to Texas? A Yes sir.
Q Did they bring you back after the war? A I come back as near as I can recollect just after this here treaty, I just heard them talking about the treaty, that's all I knew about it.
Q You think you came back in the year '66 then? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Who was it you belonged to? A I belonged to Lewis Rogers.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir, he ought to be, he has been here long enough.
Q Give me the name of your father? A My father was named Sophie and Peter.
Q Your father wasn't named Sophie was he? A That wasmy mother.
Q Your father was what I asked you about? A Peter Rogers.
Q Is yourfather dead? A I don't know sir, they sold them to Mr. Bell.
Q Wasbefore that? A Yes sir.
Q Give me the name of your mother? A Sophie Rogers.
Q Did she belong to Lewis Rogers? A Yes sir.
Q Is she dead? A I don't know sir.
Q What became of her? A She was sold to Mr. Bell too.
Q Sold in Texas or where? A Sold out on Beatty's Prairie.
Q Was she sold so as to go out of the Cherokee Nation? A No sir, she didn't go out of the Cherokee Nationthen, she was sold to a citizen.

Sarah London et al 2

Q Was Mr. Bell a Cherokee citizen? A Yes sir, Mr. Bell was a Cherokee citizen; I see his son here.
Q Were you sold to Mr. Bell too? A No sir.
Q They kept you? A Yes sir.
Q You stayed with Lewis Rogers? A Yes sir.
Q How many times have you been married? A One.
Q When were you married? A I couldn't tell you.
Q Did you marry before the war? A No sir, since the war.
Q Pretty soon after the war? A Yes sir.
Q What was the name of your husband? A Ed London.
Q Is he dead? A No sir, he is living.
Q He is a white man? A No sir, he is a Creek.
Q Is he enrolled as a Creek? A Yes sir.
Q Did you ever apply to enroll as a Creek? A Yes sir.
Q They didn't enroll you? A Oh, you say did I apply?
Q Yes? A No sir.
Q Did you ever apply to be enrolled in any other nation except the Cherokee? A No sir.
Q You and Ed London still living together? A Yes sir.
Q How long have you been living in Muskogee? A Right smart while, I couldn't tell you exactly how long, I stayed out in Brushy Mountain a long time.
Q Did your husband ever live with you in the Cherokee Nation?
A Yes sir, we lived in Brushy Mountain a long time.
Q Have you got any home in the Cherokee Nation? A No sir, just working around there in Muskogee.
Q What are the names of your two youngest children? A Levi and Ham.
Q How old is Levi? A I couldn't tell you.

Witness, MINOR LONDON, re-called and further examined, by Commissioner Breckinridge:
Q How old is your brother, Levi? A 17.
Q What is the name of the next child to Levi? A Ham.
Q How old is Ham? A 16.
Q Ham is the youngest of the children? A Yes sir.
Q There are no others that are 21, all the others are over 21?
A Yes sir.
Q Are these two children both living now? A Yes sir.
Q Where are they living, in Muskogee with their mother? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 129, #3208 Sarah Rogers, Cooweescoowee district;
page 129 #3210 Levy Rogers, Cooweescoowee district;
page 129 #3211 Ham Rogers, Cooweescoowee district.

THE REMAINDER OF TESTIMONY IN THIS CASE IS CONTINUED BY STENOGRAPHER CHARLES von WEISE:

---***---

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this June 11, 1901.

(signed) T.B.Needles,
Commissioner.

Sarah Lemand 9.

Testimonies from Stockyards or E. D. Green.
At Chelsea, I. T., June 4th, 1901.

THE SAMEY, being sworn as a witness by Comr C. R. Breckinridge testified as follows for the applicant:

By Commissioner:
Q What is your name? A Sam Grimmett.
Q How old are you? A About 45 I guess, may be older.
Q What is your post-office? A Bowlin.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived here? A Raised here.
Q Were you out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where to? A Kansas.
Q Do you know the applicant here? A Yes sir.
Q What is her name? A Sarah.
Q Guess what? A Rogers.
Q She is married now isn't she? A I dont know nothing about her marriage. I dont live by her.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir belonged to Lewis Rogers.
Q Was he a Cherokee citizen? A Yes sir.
Q Was she living in the Cherokee Nation when the war broke out? A Yes sir.
Q When did you come back from Kansas? A In '66.
Q Did you know her at that time? A Yes sir.
Q Did you know this woman in slavery days? A Yes sir, I used to see her.
Q Did she live in your neighborhood? A No sir she lived about, to my knowledge about 12 miles from me.
Q When did you first see her when the war closed? A First at Fort Gibson.
Q How long after you got back here? A I justhad got back, about three weeks after I came back.
Q Are you on the roll of 1880? A Yes sir.
Q That was before her marriage? A Yes sir, she wasn't married when I seed her.

By Mr. Davenport, for the Cherokee Nation:
Q Did you ever live in Tahlequah district? A Yes sir.
Q Was you ever up there before the court for anything? A Not as I knows of.
Q Dont you know you was before the court for stealing and convicted and whipped publicly at Tahlequah? A Not as I know of.
Q Was you or was you not convicted and publicly whipped by the Sheriff of Tahlequah district for stealing? A I wont answer nothing that wasnt done lawfully, I wont answer nothing that was just done to keep my vote out, andthing that was done lawfully I will answer.

By the Commission:
Q You dont want to give in testimony to your own hurt, is that it?
A It would not hurt me, no sir; if it was lawful I would answer it.

By Mr. Davenprt: We except to the Commission's ruling in this.

By Mr. Davenport of the witness:
Q When did you leave the Cherokee Nation to go to Kansas? A Time of the
Q Do you know where this woman was living at the breaking out of the war? A Yes sir.
Q Where was she living? A She was living--I think in Going snake.
Q Do you know? A Yes sir she was living there.

Cross-examination

Q In [illegible]? A Yes sir.
Q Was you a slave of Lewis T. Ridge at the breaking out of the Civil War? Yes sir.
A Where was Lewis T. Ridge living at the breaking out of the war? A I dont know.
Q I will ask you if you didn't know that he was a citizen of the state of Arkansas at the breaking out of the war and not living in the Cherokee Nation at all times? A I just know as to the time living here.
Q Who or where he was a citizen of Arkansas and residing there then? A I can't tell you that.
Q You didn't see him for some years in the Cherokee Nation before the war broke out did you? A I didn't see him just before the war.
Q Are you talking of the war broke out that you saw Lewis T. Ridge in the Cherokee Nation? A About 20 years.
Q Then you were so long whatever as to where this woman was living and where Lewis T. Ridge was living when the war broke out? A I used to see this woman.
Q But that was some years before the war broke out? A Not right in the neighborhood where I was living, but I seen her.
Q You know as a matter of fact don't you, that Lewis T. Ridge and his family did not live in the Cherokee nation for a long time prior to the breaking out of the war, and that the Lewis T. Ridge family are not recognized citizens of the Cherokee nation to-day? A No sir, I dont.
Q Did Lewis T. Ridge have any children? A Yes sir, if I am not mistaken, I was never to his house, just seed the colored people that he owned.
Q Where did you see the colored people that he owned if you were never at his house? A (No response)
Q Give me the name of one of Lewis T. Ridge's children? A I cant give the names.
Q Did he have a boy named William Cornelius? A Yes sir, I guess it was.
Q You know he had one son? A Yes sir.
Q Do you know where William Cornelius is living now? A I dont know.
Q You claim to have seen this woman where after the war? A At Gibson.
Q How old was she? A I dont know.
Q Was she a child then? A No sir a woman.
Q Grown woman? A Yes sir.
Q How long did you stay with her when you were at Fort Gibson?
A I didn't stay with her.
Q You were living in Tahlequah district before the war weren't you?
A No sir in Flint.
Q Who was she living with when you saw her at Fort Gibson right after the war? A There was three women staying there together.
Q What was her name then? A Sarah.
Q Sarah what? A Rogers.
Q Did she say them if she had left the Cherokee Nation during the war? A No sir I never asked her.
Q You didn't ask her where she had been living after the war broke out? A No sir.
Q That was just after war times and you colored folks were all coming back and meeting one another again, and yet you say you didn't ask her where she had been all through the war? A I was not there meeting people, I was selling and trafficing.
Q You don't know if this was '66 or 68 that you saw this woman in Fort Gibson do you? A I hadn't been there long.
Q Well you dony know when itwas that you got back yourself do you?
A Yes sir.
Q When was it? A In '66, in the spring.
Q How do you know it was? A I was told it was.
Q Was it before or after the treaty? A I was inside of the treaty.
Q Did you come back before or after the treaty was made? A Yessir I guess I did.

Through interpreter:

Q Tell which month? A I dont know nothing about the date of the meeting.
Q But you would know if it was before or after the treaty the made did you hear of the treaty having been made when you returned?
A Never heard nothing about it then.
Q Did you come back in the fall or in the spring of the year?
A In the spring of '66 I tell you.
Q When you got back to Fort Gibson, did they tell you about the treaty? A No sir.
Q What made you come back then? A I was born and raised here and wished to get back to my old home. I loved my home and wanted to get back to it, didn't know no other place but this as my home.
Q Was the war over. A Not quite done yet cause there was still soldiers here.
Q The troops were still here were they? A Yes sir.
Q Do you know what year this is? A No sir I dont.
Q Dont know anything except '66 do you? A Yes sir, but I dont know anything about your high language.

DAVID MARTIN, called and sworn as a witness, testified as follows on the part of the applicant, Examined by the Commission:
Q What is your name? A. David Martin.
Q Whatis your age? A 64.
Q What is your post office address? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A All my life only when I was out during the war.
Q Are you onthe roll of 1880? A No sir.

By Mr. Davenport:
Q What do you know about this woman? A I knowed her owners.
Q How long before the war? A All my life.
Q Where were they living before the war? A On Sallisaw.
Q Who were herowners? A Lewis Ridge.
Q Did he have a "T" in his name? A No sir, that was his son.
Q Some times called "Osage Tom"? A Yes sir.
Q He had a son called Cornell? A No sir, he had, John, Ham, Pole and Tom. Tom was the oldest, John next, Pole next , and Ham was the youngest.
Q Do you know where this woman was during thewar? A No sir.
Q How long before the war did you see her? A In '59.
Q Where was you living then? A With Joe Martin, right adjoining places, he had her young Missus for a wife, we was together all the time.
Q Do you know where the Ridges went? A No sir.
Q Are you able to state if they left the Territory? A No sir I cant,
Q Where did you seethis woman after the war closed? A Never saw her again until Isaw her at the Wallace court.

By Commission:
Q Yousay that you lived on adjoining places to where this woman lived? A Yes sir, and some of the time on the same place.
Q Where did you go to during the war? A Kansas.
Q When did you go to Kansas? A I went to Kansas in '61.
Q What time in '61? A I left in February of '61-I was in the woods scouting since '59.
Q How does it happen that you did not see this woman from '59, until the Wallace court, and that you did not know where she went during the war if you lived on adjoining places to her? A Well you see I was not at home from '59, I was in the woods scouting, from what I learned they takenthis woman south during the war and I went north.
Q Why didn't you see her from '59 until 61 when you went to Kansas? A I was not at home, I wasin the woods scouting all the time.

Sarah London 0

Applicant recalled and examined by the Commission.
Q When did you come back to the Cherokee Nation with? A With a small parcel of folks.
Q Do you know if any of them are alive yet? A Some those with whom you returned to the Cherokee Nation? A No sir it has been so long since that I dont know if any of them is alive yet or not.
Q Were you taken out to the state of Texas? A No sir, Arkansas.
Q Where is Arkansas? A A place called Fulton.
Q What did you do down there - make crops? A No sir, I was cooking.
Q When did you first go to Fulton? A Just a little before the war.
Q About how long before the war? A I cant tell exactly how long.
Q Were you cooking in a private family there? A Yes sir.
Q Whose family? A Mr. Crabtree's.
Q Were you hired to him? A Yes sir.
Q Who went with you to Fulton? A A whole family went-- they carried us.
Q Did you stay there about Fulton until you came back to the Cherokee nation after the war? A Yes sir.
Q Where was your master, Lewis Ridge at that time? A He was dead before the war.
Q Who claimed you as an owner? A Mrs. Ellen Ridge.
Q Where was she when you were at Fulton? A She was here in the Nation.
Q Did she have many slaves? A Yes sir a good many, she had my sister.
Q Who had charge of you when you went to Fulton? A I dont remember his name.
Q Whatwas he? A One of them was a Cherokee, he was the manthat carried us there.
Q Was he a farmeror a planter? A I dont know.
Q Did he claim to own you? A Yes sir.
Q What was his name? A Crabtree.
Q Was he a Cherokee man?A No sir.
Q Was he an Arkansas man? A Yes sir.
Q Did he own you when you went to Fulton? A Yes sir he said that I belonged to him.
Q He took you to Fulton did he? A Yes sir, and lots of us come back.
Q Did you live with this man Crabtree until you were set free by the war? A Yes sir, they was Creeks.
Q Who was Creeks? A Mr. Crabtree's folks.
Q Did you know Crabtree before you belonged to him? A No sir.
Q Did you know where he lived before you belonged to him? A Nosir.
Q Did he have a home there at Fulton?A Yes sir.
Q Did he live in town or in the country? A In the country.
Q Did he have a farm there? A Yes sir.
Q Did he have slaves there before you come there? A Yes sir he had a whole passel of them, all Indian darkeys.
Q How many did he have? A I dont know.
Q Did you find them there at workwhen he brought you there? A Yes sir.
Q Did they tell you where they had come from? A Yes sir, they all come from the Nation.
Q Did Crabtree have a wife? A Yes sir.
Q What was her name? A She was a Creek.
Q What was her name? A Celia.

By Davenport:
Q Was that the same Crabtree family that lives in Muskogee? A Yes sir, Font and Jim.
Q Did they have a brother named Ben that lived at Fulton? A Cousin

By the Commission-
Q Who is there here that knows of your being married to Ben London.
A I can call any one of them.

Sarah London ?

John Ross, called and sworn as a witness, testified as follows for the applicant:

By Commissioner:

Q What is your name? A John Ross.
Q How old are you? A 26
Q What is your post-office? A Muskogee.
Q Do you know the applicant here? A I have known her about two years.
Q She is married is she? A Yes sir.
Q What is the name of her husband? A Ed London.
Q Has she been living with him as his wife ever since you have known her? A Yes sir.
Q They have a lot of grandchildren have they? A Yes sir.
Q You know the family do you? A Yes sir.

Applicant recalled and examined by Mr. Davenport:
Q Your own property there in Muskogee now do you? A No sir I am working there is all.

By Com'r Breckinridge:

The applicant applies for herself and two children who are minors. She is identified on the Kern Clifton roll but not upon the roll of 1880 or that of 1896. It appears from the testimony that she was at one time a slave of a Cherokee citizen, but that she was sold prior to the war to a man, presumably a Creek, who lived near what is now known as Fulton, Arkansas, and that she was there taken before the breaking out of the Civil war, and lived there until she was set free by the war. She claims to have come to the Cherokee Nation in the year 1866. This is confirmed by two witnesses cited in the case, but her testimony is vague and does not convey an the impression of being reliable; however, it appears that she has lived in the Cherokee Nation ever since she returned, except some years in the Creek Nation. Her change of name arising from marriage is established in a satisfactory manner. Giving her the benefit of any doubts that may exist at this time, she will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision will be made known to her at her post office address. As for her two children, Levi and Ham, they are both minors and are living at this time; they are identified on the Kern-Clifton roll but not upon the roll of 1896; their claim is only through their mother as their father is a Creek; it is stated that neither the applicant onor any of the children have ever been enrolled as Creeks, the only application that has been made for them, being for enrollment as Cherokee freedmen; these children will be listed for enrollment as Cherokee freedmen on a doubtful card to await the termination of the status of theirmother, through whom they claim. The final decision of their case will be made known to their mother athet post office address.

* * * * * * *

Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cause from page 3 inclusive, and that the same is a full and correct transcript of his stenographic notes the reof.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 18th of June, 1901 at Nowata, I.T.

(signed)T.B.Needles,
Commissioner.

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W.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy

and that the foregoing is a true and complete copy of the original transcript.

Subscribed and sworn to before me this August 19, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 20, 1902.

In the matter of the application of Lewis Mehrwitch for the enrollment of himself and eight children as Cherokee freedmen.

Nettie McCormick, being duly sworn and examined by Commissioner Breckenridge, testified as follows:

Q What is your name? A Nettie McCormick.
Q How old are you? A I don't know my age.
Q As near as you can, about thirty? A I don't know how old I am.

(Commissioner: She seems to be about thirty.)

Q What is your post office? A Muskogee.
Q In the Creek Nation? A Yes, sir.
Q Do you live in the Cherokee Nation? A That is my home when I am there.
Q In what district of the Cherokee nation do you claim to live? A Coweescoowee district.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A None but my children.
Q How many children? A Four girls and four boys.
Q Are these children all less than 21 years of age? A Yes, sir.
Q Are they all unmarried? A Yes, sir.
Q Are they all living at this time? A Yes sir.
Q Have you a husband? A Yes, sir.
Q What is he, a state man? A Yes, sir.
Q Where were you born? A I was born up on Spavinaw.
Q In the Cherokee Nation? A Yes sir.
Q How long did you live in the Cherokee Nation before you went to Muskogee; how long have you been in Muskogee,? A I have been in Muskogee a little over two years, or three.
Q Where did you live from the time you were born until you went to Muskogee two or three years ago? A I went to Texas.
Q When did you go to Texas? A I went to Texas after the war.
Q How long after the war? A I don't know, sir.
Q How old were you when you went to Texas? A I was grown, I never did leave the Nation until after the war.
Q Where did you go to Texas? A I went to Texarkanna.
Q Were you married at that time? A No, sir.
Q How many times have you been married? A Never been married but once.
Q Where were you married? A Married in Texarkanna.
Q How long did you live in Texarkanna? A About five years before I went back to the Cherokee Nation.
Q You were grown when you went there? A Yes, sir.
Q How long was it after you came back from Texarkanna before you went to Muskogee? A It was four or five years.
Q Well now, with the exception of that stay in Muskogee and your stay in Texarkanna, have you lived in the Cherokee Nation all your life? A Yes, sir, until we went to Texarkanna.
Q I say have you lived in the Cherokee Nation except while you were in Texarkanna and while you were at Muskogee? A Yes, sir, I haven't been nowhere else.
Q When were you married? A I don't know.
Q Well, did you marry pretty soon after you went to Texarkanna? A Yes sir.
Q You have been married then about eleven or twelve years have you? A Yes sir, I suppose so.
Q How old is your oldest child? A My oldest child is not his child, my husband's.
Q Was your oldest child born in Texarkanna? A No, sir, born in the Nation.

Q How old is your oldest child after your marriage? A Up to one. I reckon he is about 21. I guess he may be that old, I don't remember my age and my children's.
Q How old was that child when you went to Texarkanna? A He was about a little over a year old I reckon.
Q Give me the name of your father? A My father's name is Charley Rogers.
Q Is he living? A No, sir.
Q Give me the name of your mother? A Sarah Rogers.
Q Is she living? A Yes, sir.
Q Was your mother married since your father died? A Yes, sir.
Q What is your mother's present husband's name? A Ed London.
Q Was that your mother testifying here just now? A Yes, sir.
Q When did your father Charley Rogers die? A He has been dead, I don't know how long he has been dead, I can't tell you.
Q Do you remember him? A Yes, sir.
Q Did he die when you were a little girl? A I wasn't so little, I can remember him.
Q You don't remember the war, do you? A No, sir; my mother told me I was a good big girl.
Q Your father died before you went to Texarkanna, didn't he? A Yes sir, he was dead then.
Q Did he die before your mother married Ed London? A Yes, sir.
Q Give me the name of the man you married? A Calvin McCormick.
Q He is the only man you ever married? A Yes, sir.
Q Now give me the names of your children, begin with the oldest, give me their full names? A Will Rogers.
Q How old do you think that child is? A About 21.
Q Well, he will have to apply for himself I expect; that is not a child of McCormick? A No, sir.
Q Now give me the name of the next child? A Henry McCormick.
Q How old is he? A 17.
Q Give me the name of the next child? A Bertha McCormick.
Q How old is Bertha? A 14.
Q Give me the name of the next child? A Clara.
Q How old is Clara? A 12.
Q Now the next child after Clara? A Hattie.
Q How old is Hattie? A 8 years old.
Q Now the next child? A Helena, 6.
Q Now the next child? A O. D. McCormick.
Q How old is that child O. D.? A He is about 3 years old.
Q You have got one or two more children, haven't you? A Just one
Q What is its name? A Dewey.
Q How old is that child? A He is a year old.

Commissioner: Make the application for seven children leave out the oldest one.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you draw strip money? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bettie McCormick on page 129, No. 3216, Cooweescoowee district as Betsy McCormick:
Henry McCormick on page 129, No. 3221, Cooweescoowee district
Bertha McCormick on page 129, No. 3218, Cooweescoowee district, as Roberta McCormick:
Clara McCormick on page 129, No. 3220, Cooweescoowee district:
Hattie McCormick on page 129, No. 3219, Cooweescoowee district
Helena McCormick on page 129, No. 3217, Cooweescoowee district, as Helen McCormick.

[illegible]

Q. Do you understand that you and your husband have been living together as husband and wife? A. Yes Sir.

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(Taking of testimony continued by E. B. Jones.)

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 14th of June, 1901.

(Signed) T. B. Rowles.
Commissioner.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy, and that same is a true and complete copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this November 4th, 1905.

Wyson White
Notary Public.

CHEROKEE FREEDMEN.

Date [illegible]
Post Office [illegible]
District [illegible]

1. Name
Owner's name
Year Page No. District
Parents:
Father
Citizenship
Mother
Citizenship

11. Name of wife Bettie McCormick Age 40
Owner's name
Citizenship
Year [illegible] Page 129 No. 3216 District Cherokee
Parents:
Father Charles Parrott Citizenship Cherokee
Mother [illegible] Citizenship

Names of Children:

| | | | | | | |
|---|---|---|---|---|---|---|
| 2. | Lyle Parrott | Year | Page | No. | Dist. | 9 |
| 3. | Mary Ida McCormick | Year | Page 129 | No. 3221 | Dist. Cher | 17 |
| 4. | Martha " | Year " | Page 129 | No. 3218 | Dist. " | 14 |
| 5. | Clara " | Year " | Page 129 | No. 3220 | Dist. " | 12 |
| 6. | Walter " | Year " | Page 129 | No. 3219 | Dist. " | 8 |
| 7. | Allen " | Year " | Page 129 | No. 3217 | Dist. " | 6 |
| 8. | Ora " | Year | Page | No. | Dist. | 3 |
| 9. | Henry " | Year | Page | No. | Dist. | 1 |
| 10. | | | | | | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by M. L. Stenographer Jones & Green

Witness on R. C. Rice as Roberta McCormick
Witness Land & Proof of birth to be applied

X Reg C.F.D. 577 -

This case is continued from notes taken by [illegible], stenog.

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I.T., June 15, 1901.

In the Matter of the application of Betsy McCormack for the enrollment of herself and seven children as Cherokee Freedmen.

Billy LONDON, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Billy London.
Q What is your post-office? A Kansas City. I guess now, stopping up there awhile.
Q Do you know the applicant here? A Yes sir, that's my sister.
Q Full sister or half sister? A Half sister.
Q Have you and she the same mother? A Yes sir.
Q What is her name? A Nettie McCormack, now.
Q I am talking about your mother's name? A Sarah London.
Q Did she used to be called Sarah Rogers? A Yes sir.
Q Has your sister been married? A Yes sir.
Q How long has she been married? A About 17 years I believe, somewhere along there.
Q Has she ever been married more than once? A No sir.
Q Have she and her husband lived together ever since they were married? A Yes, here but a short while.
Q He is a statesman I believe? A Yes sir.
Q Do you know how old this half sister is? A No I don't know how old she is, she is older than any of them.
Q How old are you? A 28.
Q She is a good deal older than you are? A Yes sir.

Applicant, Betsy McCormack, recalled and further examined, by Com'r Breckinridge:

Q Do you know why you are not on the roll of 1880? A No sir.
By Cherokee Rep(ve Davenport:
Q Did your mother go with you to Texarkana when you moved down there?
A Didn't move down there.
Q Didn't she go with you to Texarkana? A No sir.
Q Where was your mother living when you went to Texarkana? A Brushy Mountain, Cherokee Nation.
Q What year was it you went to Texarkana? A I don't know.
Q You went before you married your last husband? A Yes sir.
Q What year did you marry him? A I don't know.
Q You married him in Texarkana? A Yes sir.
Q On the Arkansas side or the Texas side? A On the Texas side.
Q You worked how long there after you married? A About two or three years.
Q Where did you go from Texarkana? A Back to the Cherokee Nation.
Q What part of the Cherokee Nation? A Over at Ft. Gibson.
Q What year did you come back to Ft. Gibson? A I don't know anythin about the years.
Q How long has it been since you went to Ft. Gibson? A It has been years.
Q Where did you go after you left Ft. Gibson? A Iwent to Brushy Mountain
Q How long did you live there? A Four or five years.
Q Where did you go when you left Brushy Mountain? A I come over to Muskogee.
Q Been living there ever since, part of the time, with my mother.
Q The other part of the time where have you been? A Come up to Vinita, and Claremore, working around.

Q Where was your husband born? A [illegible]
Q Have you ever been back to Texarkana? A [illegible]
Q Where are you living now? A I am stopping over at [illegible]
Q How long have you been stopping there? A [illegible]
Q You have lived two years in Muskogee? A Yes sir.
Q How long did you live at Broken Arrow before you came to Muskogee?
A I lived out there about three or four years, I don't know exactly. [illegible] I lived out there, I stayed out there two or three.
Q How long did you stay at Ft. Gibson before you went to Broken Arrow? A I didn't stay over there so long.
Q About how long? A I reckon about two years.
Q And you came from Texarkana to Ft. Gibson? A Yes sir.
Q That would make it about eight years ago you left Texarkana?
A Yes sir.

By Com'r Brookinridge:

Q Where was your child Henry born? A Born in the Cherokee Nation.
Q He was not born in Texarkana? A No sir.
Q Was he born pretty soon after you got back from Texarkana? A No sir, a good while.
Q How did you happen to go to Texarkana? A Just travelling around.
Q Were you by yourself? A No sir.
Q Who didyou go with? A Went with another girl.
Q Did you take your child with you? A Yes sir.
Q That was a good long time ago and a good long ways off and a very roundabout kind of place, how did you happen to go down there? A Went with another girl.
Q Just travelling? A Yes sir.
Q Did you run off? A No sir.
Q Did you go down by railroad? A Yes sir.
Q Was that where you started to go? A I was just going to see, travelling around.
Q You left here for the purpose of going to Texarkana did you? A No, just stopped there, I didn't know no more about Texarkana--
Q Your money gave out when you got there? A Yes sir.
Q You were just going until your money gave out? A Just going, I was travelling, travelling about.

Com'r Brookinridge: The applicant applies for the enrollment of herself and seven minor children; she makes no application for her husband, as he is a state man and they were married in the State of Texas at Texarkana; the applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or that of 1896; it appears from the testimony that she is in the neighborhood of forty years of age; she seems to have lives in the Cherokee Nation all of her life, except an indefinite period embracing perhaps several years when she lived at Texarkana, Texas previous to her marriage, and somewhat subsequent thereto, and some stay that she has made and is now making in the Creek Nation; her change of name arising from marriage is established in a satisfactory manner; her original right under the treaty of 1866 appears to be derived through her mother, now Sarah London; under the conditions stated the applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case there will be filed therewith a copy of the testimony in the case of her mother, Cherokee Freedman doubtful, 677; when the final decision of the Commission is rendered, it will be made known to the applicant at her post-office address;

Of the seven children named in the testimony, the first five are identified on the Kern-Clifton roll; they are living and they will now be listed for enrollment with their mother on a doubtful card as Cherokee Freedmen, and when she supplies

the Commission with proper certificate of the birth for the two younger children, D. S. and Sonny Robinson, these children will also be listed for enrollment on a doubtful card as Cherokee Freedmen, and the final decision as to all of these children will be made known to the applicant at her post-office address.

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SUPPLEMENTAL to judgment.

SARAH LOWERS, re-called and further examined testified as follows:

Q Where did you say this daughter was born? A She was born on Spavinaw.
Q In the Cherokee Nation? A Yes sir.
Q Was that before the war? A Yes sir.
Q You were xxxx out of the Cherokee nation during the war were you?
Q Yes sir, before the war started Miss Ellen sent me to Texas.
Q How long before it started? A It was a good while.
Q Several years? A Yes sir, I reckon it was.
Q Several years before the war began? A Yes sir.
Q Where was it you lived down there in Texas? A I lived right down on a place now -- I can't call the name of that place, but there about it was on the side of the river, on Crabtrees place.
Q Who was Crabtree? A It was Fount Crabtree's daddy, the one that lives right here in Muskogee.
Q You were living on Crabtree's place, the father of Fount Crabtree who lives in Muskogee now? A Fount Crabtree,s widow.
Q Was Fount Crabtree a Creek? A Yes sir.
Q Was his father a Creek? A No sir, white man.
Q Fount Crabtree's mother was a Creek? A Yes sir.
Q How long did you live with the Crabtrees? A Until the surrender.
Q Who was it you belonged to after you went to live with the Crabtrees? A Lewis Rogers; he raised me, he was my first master.
Q And he sold you to the Crabtrees? A Miss Ellen Rogers did
Q Did you live with them until the war closed? A Yes sir.
Q Was this child born when you went down to the Crabtrees? A Yes sir They taken this child away from me and kept her here in the Nation, when I come back here she was about that high (indicating), and I taken her.
Q About how old? A I couldn't tell you how old she was.
Q She was a little thing was she? A Yes sir.
Q This child then didn't go out of the Cherokee Nation during the war? A No sir, it was after the war when she went out; when I come and got her and carried her away from here.
Q Where did you carry her? A I carried her down there to Fulton.
Q That is down in Arkansas? A Yes sir.
Q When was it you carried her there? A That was after the war.
Q Pretty soon after the war? A Yes sir.
Q How did you happen to go down to Fulton? A I had been down there all the time, and I couldn't find none of my people up here that I knowed.
Q Had you been down there about Fulton during the war?
A Yes sir.
Q Did this daughter ever work at Texarkana? A She was down there after she growed up.
Q Did she go from Fulton to Texarkana? A No sir, I brought her back here and she run off and went down there.
Q How long did she stay with you at Fulton? A She was a little thing when I took her there, and stayed there until she was a young woman. And then I brought her back here and she went off down to Texarkana.
Q And there she married? A Yes sir.

Q How long before the war was it that this daughter was born, was it as much as five or six or seven years? Mister, I can't tell you and tell you the truth, because I don't know one year from another. Only Miss Eliza said it was Christmas, and that's all I know about it.
Q When you were sold to the Crabtrees they didn't sell this child with you? A No sir.
Q They kept her back here? A Yes sir.
Q And then when you came back after the war you took her to Fulton with you? A Yes sir.
Q How did you happen to go back to Fulton after you once came here after the war? A I couldn't find none of my people, and I knowed the people down there and I just went back, it was harder times here then than it was down there.

By Mr. Davenport:

Q When you came from Fulton back to the Territory after the war what route did you travel? A Big road.
Q How did you come? A Come afoot, walking, I walked down there and I walked back; Crabtrees carried me down there and I walked down there
Q There was some one went with you down there? A Yes sir, and some one come back with me too.
Q Who was it you came back with? A Liza and Rachel.
Q Your sisters? A No sir, no kin to me at all; they belong to the Nation.
Q You know how many children by Bettie McCormack was born while she was living in Texarkana? A Two, of them, Henry and Bertie.
Q They were born at Texarkana, Texas? A They was born there.
Q The others were born in the Creek and the Cherokee Nations together? A Yes sir, as well as I can tell.

By Com'r Breckinridge:

Q When was it you say you first came back to the Cherokee Nation after the war? A They saidit was after '66, I don't know.
Q After '66? A It was just a little before that.
Q Little before what? A Little before '66.
Q You said just now after '66? A Person is liable to make mistake now.
Q What do you mean now? A I mean before, that's what I heard, I don't know.
Q How long did you stay here beforeyou started back to Fulton?
A When I come back then I stayed here and about here ever since.
Q You told me just now you didn't find your people and went back to Fulton? A I stayed here a right smart while and then I went back and stayed there a good while.
Q You told me you came back here at the close of the war and didn't find your people, andtimes were hard? A Yes sir,
Q And that then you turned around and walked back to Fulton? A Yes sir.
Q How long did you stay here beforeyou turned arouhd and walked back to Fulton? A I didn't stay here long, I guess I stayed here about a month or two.
Q Now that time you got here was it the first time you saw this girl after the war? A Yes sir.
Q And when you got back here you then saw her? A Yes sir.
Q You had been down at Fulton separated from your child? A Yes sir.
Q Then when you went back to Fulton that time you took her? A Yes sir I did.
Q Now when she came back here from Fulton was her child William born,-where was William born? A William was born down there.

Q Down in Fulton? A Yes sir.
Q And after William was born she came here? A Yes sir.
Q And stayed awhile and then she went back to make this stay in Texarkana and got married? A Yes sir, that's the time she run off from me.
Q She claims she didn't run off, she just went? A She run off.
Q She was of age wasn't she, and had a right to go where she wanted to? A I don't know.
Q How old was she when Will was born? A Said she was about 18 years old.
Q Her brother I think said she was about 20 ? A They don't know exactly and I don't know, we don't know exactly the childrens' age at all, because I don't know and I can't tell them.
Q How old washer child Will when she first brought him here?
A Like thisone. (Indicating child in mother's arms.)
Q Little thing in arms? A Yes sir.
Q How long did she stay before she ran off from you and made that visit back to Texarkana? A I reckon she stayed here about two or three years, as near as I can remember.
Q And then when did you see her next, how long was it? A It was a long time before I see her.
Q Where did you see her next? A Second time I saw her she was down here in, I forget the name of the place now.
Q Some place in the Cherokee Nation? A No sir, she was in the Creek Nation.
Q Had she just come back from Texarkana? A Yes sir, she just had come back from Texarkana, and she was staying down there.
Q Down there in the Creek Nation? A Yes sir.
Q Was that at Muskogee? A No sir, it was away below Muskogee.
Q On the railroad? A No sir, she wasn't on no railroad, out in the country.
Q That was a long time after she had left you and gone to Texarkana? A Yes sir.
Q Well now when she left that place in the Creek Nation where did she go? A She come home then back in the Cherokee Nation.
Q How long did she stay down there at that place in the Creek Nation? A She stayed down there as near as I can recollect, yes she had them two children.
Q That is Will and Henry? A Will and Henry and Bertha.
Q Was Bertha a little thing? A Yes sir, she was a baby then, and Henry he could run all about.
Q And then she came to the Cherokee Nation? A Yes sir.
Q And then has she been living in the Cherokee Nation and the Creek Nation ever since? A Yes sir, ever since then.

Applicant, BETSY MCCORMACK, re-called, and further examined, by Com'r Breckinridge:

Q You didn't tell me about your having lived at Fulton Arkansas? A Because I didn't know anything about it.
Q You stayed there until your child Will was born? A I don't know anything about it.
Q You stayed there until you were grown young woman, your child Will was born there? A No sir, he wasn't.
Q Yourmother said he was? A She made a mistake.

Witness, SARAH LONDON, re-called and further examined by Com'r Breckinridge:
Q Where do you say now Will was born? A I told you where Will was born.
Q At Fulton? A Yes sir.

Com'r Breckinridge: This will be filed with the testimony

[illegible]

[illegible]

[illegible]

[illegible]

(Signed) [illegible]

Subscribed and sworn to before me this June 14, 1905.

(Signed) T. M. Buckles,

Commissioner.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original transcript thereof, and that the same is a true and correct copy of the same.

George H. Lessley

Subscribed and sworn to before me this 6th day of November, 1906.

Edward Merrick,

Notary Public.

[illegible]

[illegible]

[illegible]

[illegible] testimony in the matter of the enrollment of [illegible] as Cherokee freedmen, [illegible] on part of the [illegible]

[illegible]

[illegible] present to persons.

[illegible] W. W. Hastings, for Cherokee Nation.

[illegible], being sworn and examined by Commissioner [illegible], testified as follows on behalf of Cherokee Nation:

Q What is your name? A Calvin McCormick.
Q How old are you? A About 32 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Creek Nation or do you live in the Creek Nation? A Yes, sir, I live in the Creek Nation.
Q Where were you born? A I was born in Arkansas.
Q What part of Arkansas? A I was born pretty close down to Fulton, Arkansas.
Q Where did you come from to the Territory? A Fulton, Arkansas.
Q When? A Five or six years ago.
Q And before that did you live all your life about Fulton?
A Yes, sir, right around Fulton.
Q Mr. McCormick, what did you give as your age, I didn't understand it? A 32 years old, I am close to 32, or 3 years old.
Q Were you ever married? A Yes, sir.
Q What was your wife's name? A Married her by the name of Bettie Rogers.
Q Did she go by the name of Rogers prior to your marriage?
A That is the name she was going in when I went to see her and I married her.
Q Did you know your wife's mother? A Yes, sir.
Q What was her name? A Sarah London.
Q Where did you first know Sarah London? A I first got acquainted with her in the town of Fulton, Arkansas.
Q Was that before or after you married her daughter? A It was before.
Q How long had you known Sarah London before you married her daughter? A Well, give you as close as I possibly can, I think it must have been two or three years, or probably four, it was somewhere close to about that.
Q Where was she living when you first knew her? A She was living in Fulton.
Q Arkansas? A Yes, sir.
Q What was her husband's name? A His name was Ed London.
Q You knew him there three or four years before you married her daughter? A Yes, sir.
Q Now, how long did you know her after you married her daughter?
A Well, I guess it must have been somewhere about a year or two after I married her, I don't know the exact time, I guess it was close about that time.
Q Did she leave them there or you, which left first? A No, sir, she left me there, said she was going to the Territory, consequently she left me there.
Q What was your wife's given name? A Given name was Bettie.
Q When did she first come to the Territory? A Let's see she came here in the year they discharged the payment down here, that

[illegible] the place [illegible] from there.
Q [illegible] permanent? A Yes, sir.
Q [illegible] A [illegible] I [illegible] there in the town.
Q [illegible] A Yes, sir, [illegible] town.
Q [illegible] permanent? A Yes, sir.
Q [illegible] married? A No, sir, I [illegible] married.
Q [illegible] married? A I was married from at Fulton.
Q How old is your oldest child? A He is about 18 or 19 years old.
Q You married of course before that child was born? A Yes, sir.
Q That was your first child? A Yes, sir.
Q Do you know the rest of Sarah London's family? A Yes, sir.
Q Do you know some of the other children? A Yes, sir.
Q Name them. A She had a couple grown besides, that is a man and another had by the name of Lucy London, he is a boy, and the [illegible] are named him, I think he is a boy and Tom, I think he is a boy. She has got two daughters.
Q Was Ed London the father of your wife? A No, sir.
Q That was this woman's second husband? A I don't know. That was the only husband I knowed of.
Q That was not the father of your wife? A No, sir.
Q Stepfather? A Yes, sir.
Q You saw Sarah London and Ed London living down [illegible] keeping house when you knew them? A Yes, sir.
Q You remember whether or not Sarah London was there when your first child was born or not? A Yes, sir.
Q Now, I will ask you to look at this applicant here and see if that is the same Sarah London you are talking about? A This lady here (referring to applicant.)
Q Yes. A Yes, sir.
COMM'R BRAWNER: You say you married your wife Bettie, daughter of this Sarah London, down at Fulton, Arkansas?
A Yes, sir.
Q That was a year or such a matter before your 18 year old child was born? A Yes, sir.
Q Then you and Bettie have been married some 19 or 20 years ago somewhere along there? A Yes, sir.
Q Where was your wife's mother living then (No response.)
Q Was she down there at Fulton when you married that daughter Bettie? A Yes, sir.
Q She was there? A Yes, sir; it seems to me like she was there.
Q How long did you and your wife live at and about Fulton?
A We have always lived there; Sarah London lives from the time we was married up until the time she came down here to this payment and then we separated.
Q Some six or seven years ago? A Yes, sir.
Q Where was your wife's mother during all that time, this woman over here? A She left them down there, she was there a short while as I said a while ago and then she left to come to the Territory.
Q A short time after you married? A Yes, sir.
Q And then came to the Territory? A Yes, sir.
Q Have you ever seen her back there from that day to this?
A No, sir.
Q What do you know about her being there at Fulton before you and your wife married? A I don't know about her being out away from there and going back down after we was married.
Q Did you know of your wife's mother back there before you and your wife married? A No, sir.
Q You don't remember her there before you and your wife were married? A Before we was married; yes, sir, I was acquainted with her before I and her was married.
Q When did you first see your wife's mother? A I first seen her

at Fulton, [illegible]

Q [illegible] married my daughter, Bettie?

A [illegible] years.

Q [illegible] there at Fulton from the [illegible] you [illegible] your girl married? A Yes, sir, [illegible] Virginia.

Q [illegible] seeing her leaving there and coming to the Territory [illegible] that time? A Yes, sir.

Q [illegible] there and about there a short time after you and your [illegible] married? A Yes, sir.

Q [illegible] A Yes, sir, three years.

Q [illegible] understanding that she came to the Territory? A Yes, sir, and I never saw her until I came here myself.

Q And you live and her is the Territory? A Yes, sir.

[illegible], the applicant, recalled, testified as follows:

Q You have listened to this testimony, now if you want to ask this witness any questions you may do so? A No, sir, I don't know what to ask him.

Q Well, has he made any mistakes in what he said? A I don't know what to say.

Q You have heard him say everything, is there anything you want to correct and say where it was wrong? A No, sir, he is perfectly right, of course he married my daughter when I went down there, after I went down on the river.

Q How long did you know this man before he married your daughter, Bettie? A I knowed him I reckon about threeyears.

Q And did you live there in and about Fulton from the time you knew him until he married your daughter, Bettie? A Yes, sir, lived around there at Mrs. Adams.

Q And how long was it before this man marriedyour daughter and came to the Territory? A I reckon it was about three years.

Q Just about like he says? A Yes, sir.

Q Well, now, had you been there about Fulton all the time from the time you left the Territory until you came back after your daughter Bettie married? A Yes, sir.

Q When you came back after your daughter Bettie marriedthat was the first time you came back to the Territory after you left? A Now, listen to me good, I came here first before I ever knowed this boy and got Bettie and carried her from here down there with me.

Q How long did you stay here when you got Bettie? A I never got down on the river with her until she and Nealy was grown.

Q So you had made that trip back here after you first left? A Yes, sir, when I first left here I come back here and got this child; I left this child when I was sent off and went back there and stayed there until this girl married and then I come back here.

Q And that is all the going and coming that was done? A Yes, sir.

Q How old was Bettie when you came and get her? A I think she was about four yearsold, she was a little bit of a thing.

Q How old is Bettie now? A I could not tell you how old she is.

Q When was Betsy born? A Betsy was born in slavetime.

Q Before the war? A Yes, sir.

Q How long before the war? A Well, I can tell you when Miss Kihne [illegible] me Betsy was a little girl just commencing to walk, and [illegible] folks wasn't free then.

Q Now, was the war over when you came back and got Betsy? A When I came and got Betsy the war was over.

Q Well, how long before the war was it Betsy was born? A I don't know how long it was, Betsy was a child, she was about that high (indicating) when I taken her away from here.

Q When you took her with you? A Yes, sir.

Q You mean about four years old? A I reckon she was.

Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

[illegible] being duly sworn and examined by Commissioner [illegible] testified as follows, on behalf of the Cherokee Nation:

Q [illegible] your full name, please? A [illegible]

Q [illegible] A [illegible]

Q [illegible] Cherokee Nation? A [illegible]

Q [illegible] Indian territory?

Q [illegible] A [illegible] years.

Q [illegible] A [illegible] here, too, sir.

Q [illegible] you know the applicant here, Sarah London?

Q [illegible] A [illegible]

Q [illegible] husband, Ed London? A Yes, sir.

Q How long have you known either or both of them? A I have known them [illegible] years.

Q When did you know first, she or her husband? A Her husband.

Q Where did you first see Ed London? A Down in Tahlequah [illegible] first office [illegible] I know him, about two miles above Brushy Mountain.

Q What district? A Canadian.

Q There is a Tahlequah head in Canadian? A Yes, sir.

Q Well, did he have one family there then? A No sir, but when I first saw him

Q Do you know where his family was? A He said they were down at Tamaroma.

Q Well, did you afterwards see his family? A Yes, sir.

Q About how long after you first saw him? A About a year.

Q Tamaroma, Arkansas? A Yes, sir, that is the place.

Q And about a year afterwards you saw the applicant and family? A Yes, sir.

Q Is that the first time you ever saw the applicant? A Yes, sir.

Q How long did they live in that neighborhood by you? A They were there about two years, and they moved up to Muskogee, and they went, I think they moved in the Spring and that fall they came back down there to pick cotton, down in the neighborhood there.

Q How far did they live from you when they first came up in there? A She came to her brotherein-law's first, that is a little more than a quarter of a mile, and stayed I don't know how long to Brushy Mountain, about a mile from me and lived there about a year and the second year following from that lived right down in the hollow, six or seven hundred yards of my place.

Q You knew the family well? A Yes, sir.

Q Do you know who moved them up there? A I think it was Ed's brother maybe, but I don't recollect his name. Brought them from Muskogee though I believe.

SARAH LONDON, applicant, recalled: Com'r Breckinridge:

Q Sarah London, you have heard this testimony, do you want to ask any questions? A No, sir.

Q Hashe made any mistakes now that you want to correct? A No, sir

FRANK SMITH, being sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:

Q Give me your full name, please? A Frank Smith.

Q How old are you? A 66.

Q What is your post office? A Braggs.

Q How long have you lived in the Cherokee Nation? A All my life.

MR. HASTINGS: Mr. Smith, you know this applicant sitting behind you, Sarah London? A Yes, sir, I see her, not very well acquainted with her.

Q Did you know her husband, Ed London? A Yes, sir.

Q When did you first see either of them and where? A I saw Ed about '83 on Tahlequah head on the Arkansas river.

Q In what district? A Canadian.

Q Did you see his family after that? A Yes, sir.

Q About how long? A About a year I guess after he came in there his family come.

Q [illegible] where they came from when they came there? A [illegible]
[illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A Yes, sir.

[illegible], the applicant, Rosanna [illegible]
Q Do you want to see the witness any questions? A No, sir.

J. P. Yardley, being duly sworn and examined by [illegible]
Q Where was your last home, Lewis? A J. P. Yardley.
Q How old are you? A I am 74, to 75 the first day of December next.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A 39 years last December.
[illegible] Mr. Yardley, do you know this applicant, Sarah London? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Where was she first living when you first knew her? A In Delaware, at Lewis Rogers.
Q In what district? A In Saline District.
Q About how long before the war was it when you first knew her? A Oh, it was several years before the war, ten or 12 years somewhere among there.
Q Are you well acquainted with Lewis Rogers? A Very well, sir.
Q Were you about his place much? A Good deal, sir, I built houses there.
Q Are you carpenter by trade? A Yes, sir.
Q Did you know Lewis Rogers' wife? A Yes, sir.
Q What was her name? A Emmilen one of them, and the other one was named Lucy.
Q Was Lewis Rogers alive when the war came up? A No, sir.
Q How long had he been dead before the war? A I do not recollect, but I think Lewis Rogers died about '67, I think so.
Q His wife survivied him, lived after him? A Yes, sir.
Q Now, were you about Lewis Rogers place and his wife's place after Lewis Rogers' death? A Very often, there was a store there down a mile from there there. I was one time with the family.
Q Trading point was it? A Yes, sir.
Q Do you know whether Sarah London was there just before the war come up or not? A Well, they told me they had sold Sarah, that is what they told me.
Q Who told you? A Tom Rogers and Ellen Rogers.
Q When did they tell you that? A About '58.
Q Did they say to whom they sold her? A Man by the name of Crabtree, they said.
Q Do you know where Crabtree lived? A No, sir.
Q Well, did they say? A No, sir; I don't remember.
Q Well, you say you were about Rogers' place frequently a few years before, immediately preceding the war? A Yes, sir.
Q You didn't see her there? A No, sir, I didn't see her there I saw her sisters there.
Q When was the first time you saw her since the war? A Well, sir, it was about '83 or 4 in Canadian district, I was passing a baliechman's house and saw her and knew her and got over the fence and had a talk with her.
Q Did she say where she had been? A Yes, sir, she said she had come back from Arkansas if I remember right.
Q That was about 1884? A Yes, sir.
Q Do you remember whether she went by her present name or not, London, or did you just call her Sarah? A I just called her Sarah;

there was a man there she called Edward and I guess he was.
Q Did she have some children? A Yes, sir, she had some children, but I didn't notice the children, I saw her old man here in a while at Nowata and talk with him yet and say his about Sarah.
Q Do you know whether Rogers' wife is alive now or not? A She told me she was dead, that is, her son Tom told me she was.

SARAH LOWTON, the applicant, recalled. Com'r Breckinridge:
Q Are there any questions you want to ask the witness? A No, sir.
Q Are there any distances he skips? A No, sir.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows.
Q Give your full name? A R. L. Martin.
Q How old are you? A Going on 54.
Q What is your post office? A Pensacola.
Q In what district do you live? A Delaware district.
Q How long have you lived in the Cherokee Nation? A All my life.
MR. HASTINGS: Did you know Lewis Rogers before the war?
A Yes, sir.
Q What relation, if any, was he to you? A He was my father-in-law; since the war I married his daughter.
Q Did you know a slave that he formerly owned by the name of Sarah?
A Yes, sir.
Q I will ask you to look at this applicant and see if you recognize her? A I don't know as I should recognize her, it has been so long since I seen her.
Q What was Lewis Rogers' wife's name? A Ellen, he had two wifes at that time.
Q Well, do you know what became of Sarah? A Yes, she fell into my father's hands and he sold her.
Q Well, when did he sell her? A About '58 I reckon, I don't know just exactly the date.
Q Do you know to whom he sold her? A Yes, I think the man's name was Crabtree.
Q Do you know where Crabtree lived? A I understand he lived in Arkansas, I don't know him personally.
Q You have never seen her since, or have you? A No, sir.
Q You have never seen her since the war? A No, sir.
COM'R BRECKINRIDGE: When did you first know this woman, Sarah, how long before the war? A I guess along about '57 or '8, I knew her before the old man Rogers died, I don't know just how long it was I don't know just how long it was.
Q You knew her some time before she came into your father's possession? A Yes, sir.
Q She did belong to Lewis Rogers did she? A Yes, sir.
Q How did your father happen to get possession of her?
A It was by divisions of the estate, his wife was old man Rogers daughter.
Q Your father's wife? A Yes, sir.
Q And you knew Sarah while she was still the property of Lewis Rogers? A Yes, sir.
Q Your father sold her then very soon after he got possession of her? A Yes, sir, I think it was in '59, it may be a little longer.
Q How long did your father have possession of her?
A I don't know, it could not have been long, I think old man Rogers died in '57.
Q How far did your father live from Lewis Rogers? A At the time he died I think he lived right there, but he moved away about ten miles.
Q Did this woman leave the farm of Lewis Rogers and come over to your father's house? A Yes, sir.
Q Came and lived with your father until she was sold to Crabtree?
A Yes, sir.

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MARAH LOWERY, the witness, recalled: Pen'r Brockenridge

Q Marah, you have heard the witness' statement do you agree to all the top quoted part? A No, sir.

Was he being any mistaken? A No, sir, none.

And you did marry that belonged to this witness' father?

A Yes, sir.

Q That is correct? A Yes, sir.

Q And then he sold you to Brockenridge? A Yes, sir.

Pen'r Brockenridge: This will be filed as supplemental testimony in Cherokee Freedom Case D.#277, and note of the testimony will also be filed in Sherman Freedom Contest Proceedings, 638, and 639.

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I, G. Pearce, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcripts of his stenographic notes thereof.

J. G. Pearce.

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

63-602

Char. Sr. 2-[illegible]

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 16, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of BETTIE McCORMICK, ET AL., as Cherokee Freedmen.

Appearances:
A. S. McKee, Attorney for Applicants.
W. W. Hastings, Attorney for Cherokee Nation.

BETTIE McCORMICK, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Bettie McCormick.
Q How old are you? A I don't know my age.
Q Were you born before the beginning of the war of the rebellion? A Yes sir.
Q What is your post office address? A Muskogee
Q Where do you live, in what nation? A I live here in Muskogee.
Q Creek Nation? A Yes sir.
Q How many children have you? A I have four boys and four girls.
Q What is your oldest child's name? A William.
Q William what? A William Rogers.
Q Does he ever go by any other name than William Rogers? A No sir.
Q Who was his father? A His father is named Glen Dixon.
Q Were you married to Glen Dixon? A No sir.
Q Is Glen Dixon living? A No sir, he is dead.
Q He died before William was born? A Yes sir.
Q Was Glen Dixon everknown by any othername? A No sir.
Q This a[illegible], William Rogers, where was he born? A He was born in the Cherokee Nation.
Q In what district? A Here at Fort Gibson.
Q How old is William? A William is twenty-two years old, he might be a little older than that.
Q Was he born before the 1880 roll was made? A Yes sir.
Q Where were you living at the time he was born? A Living at Fort Gibson.
Q How long did you live there at that time? A I stayed there - that was my home there.
Q How many years did you stay there? A I disremember.
Q Did you stay there for severalmyears after William was born? A Yes sir.
Q You were living, then, in Fort Gibson, when the 1880 roll was made, were you? A I think I was livingthen out here on Brushy Mountain.
Q Near Muskogee? A Yes sir.
Q That is in the Creek Nation? A No sir, in the Cherokee Nation.
Q What district is that in? A It is Brushy Mountain.
Q Did you everlive in Seewesecowee District? A Yes sir.
Q When did you live there? A I was born and raised there with my gran dmother
Q Is your name on the 1880 roll? A Yes sir, I think it is. It is on the Wallace roll anyway.
Q What was your name in 1880? A Bettie Rogers.
Q Did they always call you Bettie? A Yes sir.
Q Did you ever go by any other name besides Bettie? A No sir.
Q Did you know anybody by the name of Big Rogers? A No sir, I don't know anyone name Big Rogers, I know Rat Rogers.

Q How long did William Rogers, your son, live at Fort Gibson after he was born? A I carried him with me.
Q How long did you live at Fort Gibson after William was born?
A I stayed there about two or three years.
Q Then where did you go to? A I went to Brushy Mountain.
Q That was still in the Cherokee Nation? A Yes sir.
Q How long did you stay there? A About four or five years.
Q Where did you go then? A Came here to Muskogee.
Q How long have you been here in Muskogee? A I have stayed here here for about a little over seven years.
Q You have lived here in Muskogee for the last seven years?
A Yes sir.
Q Where is William now? A He is in Kansas City.
Q How long has he been there? A He has been there about two years or more.
Q Do you remember that year he went to Kansas City? A Yes sir, he went there year before last, after he came back here to Muskogee. Then he went back from Muskogee up to his aunt's, and then we heard from him he was back in Kansas City.
Q Year before last would be 1901? A Yes sir.
Q Had he always lived in the Cherokee Nation from the time he was born up to 1901? A No sir, he was here in the Creek Nation, backwards and forwards.
Q Had he always lived in the Indian Territory from the time he was born? A Yes sir, until now.
Q Until year before last? A Yes sir.
Q Did you ever know anybody by the name of Esther Rogers?
A Not that I know of.
Q You don't know anybody by that name? A No sir.
Q You say William's father's name was Glen Dixon? A Yes sir.
Q Where was William living in 1896, when the 1896 roll was made?
A Here in Muskogee.
Q This Glen Dixon, William's father, was he born before the war or after the war? A I don't know.
Q When did you first get acquainted with Glen Dixon? A Way after the war.
Q You don't know anything about him then before that time?
A No sir.
Q Was Glen Dixon a state raised man? A Yes sir.
Q What state was he from? A He said he was from - I don't remembernow what it was.
Q He didn't claim any rights of Cherokee citizenship? A No sir.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 18th day of November, 1903.

Charles N. Sawyer
Notary Public.

Cherokee Freedmen 2 ent.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 1, 1906.

In the matter of the application for the enrollment of Dottie McCornick, et al., as Cherokee Freedmen.

SUPPLEMENTAL STATEMENT.

An examination of the Dorse-Clifton roll of Cherokee Freedmen, now in possession of the Commission, shows that the applicant, William Rogers, is identified thereon as Billie Rogers, at Tahlequah, Tahlequah District.

Copies of this statement are ordered made a part of the record in this case.

Commissioner.

FILED
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Cherokee Freedman D-221.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 20, 1906.

SUPPLEMENTAL TESTIMONY taken in the matter of the application for the enrollment of BETTIE McCORMICK BY AD., as Cherokee Freedman.

APPEARANCES:
For Applicants, E. L. Gravens, represented by W. M. Gravens.
For Cherokee Nation, W. W. Hastings.

BETTIE McCORMICK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Bettie Rogers.
Q Are you married to a man named Rogers? A No sir.
Q What is your name now? A Bettie McCormick.
Q How old are you? A I don't know.
Q Are you more than 40? A I don't know.
Q You have got some children 21 years of age or older? A Have you got some children named Bertha, Henry, Clara, Hattie, Helena, O. B., Denny, and William? A Yes sir.
Q Are they living? A Henry and Myrtle are dead.
Q When did Henry die? A 1 year ago, Myrtle died in February, about 3 months ago I guess.

BY MR. GRAVENS:
Q Where were you living in 1880? A I was living out here at Brushy.
Q Brushy Mountain? A Yes sir, I lived out there about a couple of years after I left Fort Gibson.
Q Does your name appear upon the 1880 Authenticated roll of Cherokee Nation? A Yes sir, I think it does.
Q Do you know how old you were in 1880? A No sir, I don't, I never did know my age, I never was told how old I was, I don't know.
Q Who placed your name on the 1880 roll, do you know? A I don't know who it was.
Q With whom were you living when the 1880 Roll was made? A Living with Aunt Sukie Rogers.
Q Is she living now? A No sir she died before the freedman payment.

BY MR. HASTINGS:
Q Were you married in Arkansas? A I was married in Tennessee.
Q That is in Arkansas isn't it? A I guess so.
Q Did you live in Fulton, Arkansas? A No sir, I didn't.
Q How far is that from Fulton? A I don't know.
Q When were you married? A I don't know sir, when I was married, I know I was married but what year it was, I don't know nothing about the year. I can't even read nor write.
Q What year is this? A I don't know.
Q You don't know when the year 1900 came, do you? A You might know it yourself, I don't.
Q Was it last year? A No sir, it wasn't last year.
Q Was it two years ago? A You know it wasn't no two years ago.
Q I am asking you, you are swearing under oath? A Yes sir, I know I am.
Q Do you know when the year 1903 came? A No sir, I don't know it

ourself not when I hear others say it is come, then I know.
Q When did you hear others say it come, 3 years ago? A No sir, it has been longer than that.
Q How many years ago did you hear them say it come? A I disremember.
Q How many years since the payment? A 8 or 9 years.
Q You don't know what year you were married in? A No sir.
Q How old is your eldest child? A My eldest child is 24 years old.
Q Where was he born? A Fort Gibson.
Q With whom were you living at that time? A With Aunt Sukie.
Q Rogers? A Yes sir.
Q What was her husband's name? A She didn't have any husband.
Q Did she have any children? A Yes sir.
Q What were their names? A A boy by name of Jim Rogers.
Q Where is he? A I don't know.
Q Is he living? A I don't know, I haven't seen him for a long time.
Q Have you seen him since then? A Yes sir, once.
Q How long after that? A William was near a year old.
Q In what part of Fort Gibson was Aunt Sukie living? A Not very far from 4 Mile Branch.
Q How far from Fort Gibson was it? A I don't know how many miles.
Q Was it as much as a hundred? A I don't know, I couldn't tell it.
Q Your best judgment, is it as much as a hundred miles? A No sir, I don't know whether it is that far or not, I have walked it.
Q Now under oath you are not going to give us any estimate at all of it? A I can't help what I am under.
Q Do you think it was nearer one mile or 100 miles? A About a half mile I guess.
Q What direction from Fort Gibson? A That direction (pointing).
Q How long did you live there? A Several years.
Q How many years? A I don't know how many years.
Q Did you live there a year? A Yes sir.
Q More than a year? A Yes sir.
Q Your best judgment now, how long did you live there? A Over 4 or 5 years.
Q With whom did you live before you went to Aunt Sukie's? A I used to live with Miss Ruthie Rogers.
Q Did you go from Ruthie Rogers to Aunt Sukie's? A That was after the war I was living with Aunt Sukie.
Q Before the war you lived with Miss Ruthie Rogers? A Yes sir.
Q After the war and before you went to live with Sukie Rogers, where did you live? A That was on Spavinaw.
Q Before you went down to Arkansas with your mother? A I never went down to Arkansas with my mother.
Q Were you ever at Fulton, Arkansas? A No sir.
Q Do you know Calvin McCormick? A Yes sir, I married him in Texarkanna.
Q He appeared before the commission on October 2, 1901, and when asked this question, "Where were you married?" answered, " I was married down in Fulton," is that statement of his under oath correct or not? A No sir, it aint, I didn't marry him there.
Q In answer to this question, "You say you married your wife, Bettie daughter of this Sarah London, down at Fulton, Arkansas," and his answer was, " Yes sir."? A No sir, I didn't marry him there.
Q Your mother upon the same date appeared before the Commission, and Commissioner Breckinridge conducting the examination asked of her this question, "You have heard him say everything (referring to Calvin McCormick) is there anything you want to correct and show where it is wrong," and her answer was, "No sir he is perfectly right, of course he married my daughter after I went down there, after I wut down on the river," in view of what your mother swore, is that statement correct? A No sir, it aint.

Q And in answer to this question propounded to your mother, "And did you live there in and about Fulton from the time you knew him (referring to Calvin McCormick) until he married your daughter, Bettie," answer, "Yes sir lived around there at Mrs. Adams," is that statement made by your mother correct? A No sir, it aint.
Q Did you know a Mrs. Adams? A No sir.
Q During this same examination your mother was asked this question, "How old was Bettie(referring to yourself) when you came and got her," answer, "I think she was about 4 years old, she was a little bit of a thing." "How old is Bettie now". "I couldn't tell you how old she was born in slave time." "Before the war." "Yes sir," now your mother has testified under oath that she came here and got you just at the close of the war when you were about 4 years of age and took you in the neighborhood of Fulton, Arkansas, where you continued to reside and she continued to reside until after you were married, is that correct? A No sir, it is not true.
Q Have you got a single witness that you can bring before this Commission to disprove that fact, and have you ever brought one? A Never have called on me for no witnesses, didn't have no witnesses by my mother and uncle Daniel Martin, he is dead now. If they were not dead I could get those witnesses.
Q You haven't got a single witness that you can bring before the Commission to the effect that you were living over here in the Cherokee Nation and was not living down there as your mother stated? A No sir, but I know she didn't do it.
Q You don't know when the 1880 Roll was made, do you? A When it was made.
Q No? A I knew when they were going around taking names.
Q Who? A People.
Q Who went around? A I have forgotten the names.
Q You don't know the names do you? A I did know the names.
Q When did you know it, last week? A No sir, I didn't.
Q Where were you living when they took the anames? A Tahlequah, District.
Q I thought you said you were living out here at Brushy? A When they were taking what names.
Q For the 1880 Roll? A I wasn't .
Q Where were you living? A In Tahlequah District.
Q At whose place? A At Miss Ruthie Rogers place.
Q Did she have any neighbors living around there? A Yes sir, there was people all living around there.
Q What become of Miss Ruthie? A She is dead.
Q When did she die? A It has been years ago.
Q About how many years ago? A I don't know, about 8 or 9 years.
Q Where did she die? A She died over there.
Q Who lives on her place now? A I don't know sir.
Q You don't know who owns it? A I don't know who owns that place
Q Was she living on it when she died? A Yes sir, she was.
Q When did you last see her? A It has been a long time since I seen her before she died.
Q About how long before she died? A I don't know, I have forgotten.
Q Who is living around her, neighbors to her? A John Ross folks, his mother.
Q What was her name? A Not John Ross's mother, John Ross's folks.
Q Was John Ross a freedman? A Yes sir.
Q Was he a married man? A No sir.
Q What was his folks name? A Angeline, Lizzie.
Q You met them in Muskogee here? A No sir, I didn't neither, I met them over there.
Q When did you know them over there? A Years ago.

Q You can't get a one of them to come over here and identify you?
A No sir, I don't know, I didn't tried.
Q What kind of a house did Ruthie live in? A In one of those log cabins.
Q Did she have a farm? A I disremember now.
Q Have any orchard connected with the house? A Yes sir.
Q Was it upon a hill or down on theccreek, or how? A Wasn't no creek.
Q Got water at a well or spring? A Spring.
Q What direction was the house from the spring? A I have done forgotten.
Q Now where did Ruthie get you? A She raised me.
Q You say you just lived with her about 4 years? A She raised me, I was born right on Spavinaw, she told me who mymother was.
Q You said you lived with her about 4 years? A Did, say, lived with Miss Ruthie 4 years.
Q How long did you live with your Aunt Susie? A Over 4 or 5 years.
Q Now then you didn't live with Aunt Ruthie after the war? A I lived with Miss Ruthie raised me up until I was a good big girl.
Q Where did she live? A Moved from Spavinaw down to Four Mile Branch, and from there over to Tahlequah.
Q When did she die? A I don't know exactly how many years.
Q Were you living with her when she died? A No sir, I wasn't because she died since the war.
Q When did you quit living with her and how old were you then?
A I don't know.
Q About how long after the war? A I don't know, for a long time.
Q About how long? A I don,t know about how long, we stayed there until,----
Q Can't you give us some sort of judgment, how old were you when you left? A I don't know how old I was, how in the name of God can I tell you how old I was.
Q Were you 5? A No sir, I don't know how old I was.
Q Were you 25? A I don't know.
Q Were you nearer 5 or 25 when you quit living with her? A I don't know, I know she I was living with, I know I wasn't living with my mother, Miss Ruthie told me who my mother was.
Q I am trying to get you to tell how old you were when you left Aunt Ruthie's? A I don't know, if I could guess and know I was telling the truth about it.
Q Don't you know if you know anything at all you can give us some sort of an estimate as to whether you were nearer 5 or 25? A I know this much, I was big enough to tote in wood and water and wait on my mistress.
Q Did she have any children? A Yes sir.
Q What were their names? A One named Elizabeth.

Q Is she living? A I don't know.
Q Was she ever married? A Married Mr. Martin.
Q Where did she live? A Up there about Nowata.
Q You have never attempted to get her before the Commission to testify? A When I talked about getting her they said she was dead.
Q Did Aunt Ruthie have any more children? A All of them were girls, they are dead, they are.
Q What were their names? A Lets see, Elizabeth, --I have forget these girls names.
Q Done forget them haven't you? A I disremember the other names.
Q How far did Aunt Ruthie live from Fort Gibson? A I don't know how many miles.
Q About how many? A I don't know.
Q Did she have a husband? A Old Mr. Lewis Rogers, he died.

Q When did he die, was he living at the time you were living with her? A No sir, he died.
Q Did he die before the war? A In the time of the war or before it one.
Q You don't remember him? A Yes sir, I do remember him, I can remember who he was, but the time he died I disremember.
Q Were you born before the war? A I was told I was born before the war.
Q How long after the war did Aunt Ruthie die? A Here not so long ago.
Q Well, the next year after the war? A No sir.
Q About how many years after the war? A I don't know, I have forgotten.
Q Was your child William born when Ruthie died? A That boy was never born until long time after the war.
Q I am not talking about the war I am talking about Ruthie's death? A
A I can't remember what date she died.
Q How long had she been dead before William was born? A For years.
Q As much as 20 years? A Yes sir, it might have been.
Q That is as near as you can come at it? A Yes sir.
Q Then she died sometime in the 60's, maybe 1862 or 1863? A I don't know nothing about that, about 1863.
Q Where did she die? A She died over there at our home.
Q On Fourteen Mile Creek? A Yes sir.
Q Were you present when she died? A No sir, I wasn't.
Q Where were you then? A Down at Fort Gibson.
Q With whom were you living then? A With Aunt Sukie Rogers.
Q Did she live in town? A No sir, she didn't.
Q How far did they live from Ruthie, how far did Ruthie and Sukie live apart? A Aunt Sukie was down here close to Fort Gibson, and she out there on Four Mile branch.
Q How far was that apart? A I don't know, I never measured it.
Q About how far is Four Mile branch from Fort Gibson? A I don't know, just know when I come on the road when I am going backwards and forwards.
Q The road leads out there? A Yes sir, I told you just what I know and what I don't know, I aint telling you.

ON BEHALF OF THE COMMISSIONER:
Q Is Jim Rogers the son of Sukie Rogers? A Yes sir.
Q Is he living? A I don't know sir whether he is living or not.
Q Do you know whether he was older or younger than you? A No sir.
Q Sukie Rogers was dead about the time of the strip payment? A Yes sir.
Q You think she placed your name on the roll of 1880? A I don't know sir.
Q Do you think that you were living in her family in 1880? A Yes sir, I guess I was.
Q Did she have any other children besides Jim? A No sir.
Q Just the one child? A Yes sir.
Q You never did hear about Jim dying? A No sir, never heard anything about it.
Q Aunt Sukie, is that her right name? A Yes sir.
Q Is she a freedman or Cherokee? A Freedman.
Q Did she always draw money from the Cherokee Nation? A No sir, she didn't draw money, she died.
Q I mean before she died? A You mean what they called the bread money.
Q She was recognized as a Cherokee freedman? A Yes sir, I guess she was.
Q Did she ever have any other name besides Rogers? A Yes sir.
Q Is that the way you get your name of Bettie Rogers by living with her? A No sir.

Q How is that? A From Rogers by country, their names were Rogers.
Q Then you think Sukie Rogers lived in Tahlequah District in 1880, do you? A Yes sir, I know she did.
Q Can you give us any idea about how old you are? A No sir, I can't give no idea about how old I am. My mother said she didn't know, she claims I was about 4 or 5 years old, she don't know a thing about it.
Q Have you any brothers older than you? A No sir, I am the oldest child.
Q Can you read and write? A No sir.
Q Did you ever know anybody named Jennie? A Jennie what.
Q Anybody ever connected with your family named Jennie? A A woman son, no Jennie McCormick.
Q Was there a Jennie connected with the family you lived with, an old woman probably dead several years ago? A Not that I know of might have been but I have forgotten it.
Q Could there have been any other name by which you could have been placed on the roll of 1880 besides Rogers? A I don't know, no sir, I didn't have any other name. Never did go by any other name until I married.

The Authenticated 1880 Roll of citizens of the Cherokee Nation examined and the name of the applicant can not be identified thereon, nor can the name of Sukie Rogers, with whom she claims to have lived in 1880 be identified on said roll.

BY MR. CRAVENS:
Q Did you live with Sukie Rogers in 1880? A Yes sir.
Q Was she an Indian or nigger? A She was a nigger.
Q You say at the close of the war you were a small girl just about old enough to carry in water? A At the close of the war, I wasn't no bigger than that.
Q That is what I am asking you? A I was big enough to tote water and wood in slavery.
Q Slavery lasted up until the close of the war? A At the close of the war I was a pretty good size girl, big enough to tote water and wood and wait on my mistress.
Q Have you any idea at all how old you were in 1880? A No sir.
Q Were you ever called Betsy Dixon? A No sir, I never was called no Betsy Dixon.
Q What names have you had? A No name but Betsy Rogers outside of this McCormick.
Q Wern't you ever called London? A No sir, my daddy wasn't no London.
Q Did they ever call you that? A No sir, nobody never called me that as I know of, cause I aint no London.

The attorney for the applicant, and the attorney for the Cherokee Nation announce that they have no further testimony to introduce in this case, and the same will be closed, and a decision prepared on the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 12th day of August, 1905.

Myron A. Lite.
Notary Public.

[illegible]

[illegible]

[illegible] the [illegible] of the [illegible] of [illegible] for the enrollment of [illegible] and children as [illegible] [illegible] [illegible] December [illegible].

The testimony in this case shows that [illegible] was the wife of [illegible], a [illegible] citizen. Her testimony and the testimony of her husband, David Martin, show that she returned to the Cherokee Nation within six months of the treaty of 1866, which would entitle herself and her children to enrollment.

This we respectfully submit.

(Signed) Gravens, Rutherford & Gravens
Attorneys for Applicants

Receipt is hereby acknowledged of a copy of the above and foregoing brief.

Dated at Tahlequah, Indian Territory, December 9th 1905.

(Signed) Bell, Hastings & Davenport
Attorneys for Cherokee Nation.

[illegible]

[illegible] OF THE INDIAN
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, NOVEMBER 16th, 1906

In the matter of the application for enrollment as Cherokee Freedmen of Bettie Rogers, now Bettie McCormack, and her eight children, William, Bertha, Henry, Clara, Mattie, Helena, Odie and Dewey, Cherokee Freedmen D-688.

In behalf of these applicants for enrollment, I wish respectfully but earnestly to submit that the undisputed testimony in this case shows that Bettie McCormack, formerly Bettie Rogers, the mother of the other applicants herein, was born in the Cherokee Nation, the slave of Lewis Rogers, who was a well known and recognized Cherokee citizen: She was born in the Cherokee Nation a few years prior to the beginning of the war of 1861, and remained a slave of the Rogers family and in the Cherokee Nation until emancipated by law, and until after the close of the war in 1865.

I do not deny that in the testimony in this case, there is great discrepancy on some points, but, on the legal question involved in the right of Bettie McCormack and her children to be enrolled as Cherokee Freedmen, there is and can be found no dispute or discrepancy, whatever.

What are the conditions necessary to entitle these colored people to enrollment as Cherokee Freedmen? First, they or those from whom they descended must at the beginning of the war of 1861 have been the slave of some Cherokee Indian of the Cherokee Nation, residing in the Cherokee Nation on the 19th of July, 1866.

Second, if at the date of the treaty of 1866 between the United States and the Cherokee people, they were citizens from the Cherokee Nation, they must adhere and citizens mean from the date of the ratification of that treaty.

Now, we insist that Bettie McCormack was in that class of Cherokee slaves first named, that is, she was the slave of a Cherokee and a resident of the Cherokee Nation at the date of that treaty, July 19th, 1866.

Can any reasonable person read this testimony and have any reasonable doubt that Bettie McCormack, formerly Bettie Rogers, was born a slave of Lewis Rogers, and that he was a Cherokee Indian, residing in the Cherokee Nation at the date of his death, which occurred just before or during the war of 1861, and after his death that she remained the slave of his heirs until emancipated.

There is no controversy or dispute of discrepancy in the testimony on this point, and I think it can be set down in this case as a fact or point settled.

Bettie McCormack herself testifies that she was born a slave of Lewis Rogers, in the Cherokee Nation: Her mother, Sarah London, swears to it also, and further that Sophie Rogers, the grand-mother of Bettie McCormack, was the slave of Lewis Rogers, a Cherokee. The testimony is further to the effect that Bettie McCormack was a small girl when the war began, and that when her mother was sold, she, Bettie McCormack, was left behind with her former owners, while her mother was taken off to Arkansas by Crabtree, who had bought her.

The testimony also shows that Bettie McCormack never left the Cherokee Nation, until after the war, and several years after the war, but remained all the time with her Cherokee relatives and the family of her former owner until many years after the war.

We are not, therefore, in this case embarrassed with any question or dispute as to whether Bettie McCormack [illegible] Intermarried Citizen of the Cherokee Nation prior to the ratification of the treaty of July 19th, 1866, or whether the child born after the ratification of that treaty who [illegible] born out of the Cherokee Nation, as we think [illegible] to avoid the question of the right of Bettie McCormack and her children to be enrolled as Cherokee Freedmen, and this we respectfully submit to this Honorable Commissioner.

And we further submit that Bettie McCormack, formerly Bettie Rogers was enrolled upon the roll of 1880. The name of Bettie Rogers is found upon that roll. No other Cherokee Freedman appears to claim or appropriate that name, and it is a well established principle of law that from identity of name the presumption of identity of person arises.

Besides, Bettie McCormack testifies that she was placed on the roll of 1880, all of which is respectfully submitted.

(Signed) Cravens, Rutherford & Cravens
Attorneys for applicants

Receipt is hereby acknowledged of a copy of the above and foregoing brief.

Dated at Tahlequah, Indian Territory, December 7th, 1905

(Signed) Bell, Hastings & Davenport
Attorneys for Cherokee Nation.

D.F.Ma.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Sarah London et al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Sarah London, et al., | Cherokee Freedman | D | 877 |
| Irene Mann | " | " | D 1111 |
| Ella Baxter, | " | " | D 1110 |
| Bettie McCormick et al., | " | " | D 1108 |
| Miner London | " | " | D 882 |
| William London | " | " | D 880 |
| | | | D 884 |

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sarah London for herself and minor children, Levi and Ben London, and adult daughter, Irene Mann; by Ella Baxter for herself; by Bettie McCormick for herself and minor children, Henry, Bertha, Clara, Hattie, Helena, O. D. and Dewey McCormick, and for her adult son, William Rogers; by Miner London for himself; and by William London for himself.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Sarah London and her two daughters, the applicants Ella Baxter and Bettie McCormick, were born prior to 1861; that neither of the said applicants, Sarah London or Ella Baxter, were the slaves of a Cherokee citizen, nor were they free colored persons residing in the Cherokee country at the commencement of the rebellion; that the applicant, Bettie McCormick, was the slave of a Cherokee citizen at the commencement of the rebellion, and continuously lived in the Cherokee Nation from birth till sometime during the year immediately following the close of the war, when she was taken by her mother to her home in Fulton, Arkansas, where she later married a citizen of that state and continuously lived till the year 1895, when she returned to the Indian Territory, and has since resided at Muskogee.

Section 11, Article 1, Cherokee Constitution, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . ."

The evidence further shows that the applicants, Levi and Sam London, Irene Mann and Miner and William London, were born since 1896, are children of the applicant, Sarah London, and possess no rights to enrollment as Cherokee freedmen, other than as her descendants; and that the applicants, Henry, Bertha, Clara, Nettie, Helena, O. D. and Dewey McCormick, and William Rogers, are children of the applicant, Nettie McCormick, were born since she forfeited her rights to citizenship in the Cherokee Nation, and possess no rights to enrollment as Cherokee freedmen, other than as descendants of their said mother.

Neither the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Sarah London, Levi London, Sam London, Irene Mann, Ella Baxter, Nettie McCormick, Henry McCormick, Bertha McCormick, Clara McCormick, Nettie McCormick, Helena McCormick, O. D. McCormick, Dewey McCormick, William Rogers, Miner London and William London, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby,

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 19 1906.

Fort Smith, Ark., June 9, 1906.

Hon. Secretary of Interior,
Washington, D. C.

In the matter for the application for enrollment as Cherokee freedmen of Bettie Rogers, and Bettie McCormack and her eight children, William, Martha, Henry, Clark, Bettie, Rebecca, Chester and Jenny, Cherokee Freedmen Roll.

In behalf of this particular family, I wish to call attention especially to the fact of the difference in status between this family and the family of Sarah London, this case being consolidated with that of Sarah London. Bettie McCormack is the child of Sarah London who was the slave of Lewis Rogers, a Cherokee Indian residing in the Cherokee Nation. The testimony shows Sarah London, the mother of Bettie McCormack, was sold before the war by her owner, Rogers, to one Grabtree. When Sarah London was sold as the testimony clearly shows her child Bettie McCormack was not sold but remained in the Cherokee Nation a slave in the Rogers family until after the close of the War and until after the ratification of the Treaty of 1866. She remained a slave in the Rogers family until emancipated by the proclamation of President Lincoln. Bettie McCormack was born in the Cherokee Nation and when her mother Sarah was sold to Grabtree, Bettie was a girl grown to considerable size, large enough to be separated from her mother and large enough as she testifies to carry wood and water and wait upon her mistress when the war began. The war lasted four years so that as its close she must have been ten years of age at least. She remained in the Cherokee Nation with her Aunt Sukey until she was grown and until her first child William was born which would certainly locate her within the Cherokee Nation at and long after the ratification of the Treaty of 1866, so that whatever may be the right of Sarah London, the mother, the right of Bettie McCormack and her children was fixed by the Treaty of 1866 as Cherokee Freedmen.

These people may be entirely ignorant as to dates and years and periods of time but they know when occurrences take place. Bettie McCormack knows when and where William, her first child was born. She swears that he was born at Fort Gibson in the Cherokee Nation some time after the War and that she had never been out of the Cherokee Nation until after that time. She had grown to woman-hood and mother-hood before she left the Cherokee Nation and this distinction in Status between Bettie McCormack and her children and the status of her mother, Sarah London, seems to have been over-looked by the Honorable Commission of the Five Civilized Tribes in refusing enrollement to Bettie McCormack and her children.

Bettie McCormack until after her marriage with a man by the name of McCormack retained and was known by the name of Bettie Rogers, she retaining the name of her former owner. Bettie testifies that she was enrolled upon the Cherokee roll of 1880; the name of Bettie Rogers is found upon that roll of 1880; no other Cherokee Freedman has appeared to claim or to appropiate that name.

It is a well established principle of law that identity of person is presumed from identity of name. In support of this proposition I refer to the case of Jackson vs King reported in 5th. Cowen New York reports, page 237. This proposition is decided as well in the case of Garrett vs State 76 Ala. 18, in Lee vs Murphy 119 California 364 and also by the supreme court of Georgia, Indianna, Maine, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Pennsylvania, Texas, Vermont and Washington.

Taking this presumption of the law arising from the identity of names, with the testimony of Bettie Rogers that she

[illegible] and the roll of 1880 [illegible] and there can be no question but that Nellie [illegible] was not only the slave of [illegible] Indian, residing in the Cherokee Nation at the commencement of the war and continuing to reside there until after the Treaty of 1866, but she was also enrolled upon the roll of 1880, and she and her children, above named, ought certainly to be enrolled as Cherokee freedmen.

All of which is respectfully submitted. This case was consolidated with the case of Sarah Lucken and will doubtless be found reported with that case by the Honorable Commission of the Five Civilized Tribes.

Very respectfully,

Wm. M. Cravens

Service of a copy of above argument acknowledged June 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes
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[illegible] of the Nation,
[illegible] to the Five Civilized Tribes.

In the matter of the motion for the review of the decision of the Secretary of the Interior in the case of Bobby Bakerchek, et al.

Reply of the Cherokee Nation.

We have heretofore briefed this case, and the records show that the applicants were denied, and that the decision of the Commissioner to the Five Civilized Tribes was affirmed by the Secretary of the Interior on January 18, 1907, (I.T.D. 2[illegible]-1907).

All of the questions raised by the attorney for applicants in the new motion were answered by the Commissioner of Indian Affairs in his letter transmitting this case to the Secretary of the Interior on January 9, 1907 (Land 64260-1906), and we respectfully submit the case by respectfully requesting that reference be made to said letter.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for the Cherokee Nation.

Muskogee, I. T., Feb. 11, 1907.

Service of a copy of the above accepted this February 11, 1907.

Attorneys for Applicants.

[illegible]
[illegible] TRIBES.

In the Matter of the Application for the enrollment of [illegible] McCormick, et al., as Cherokee Freedmen, C. D. F. No. [illegible].

Argument on behalf of the Cherokee Nation.

The attorneys for applicants have served the attorneys for the Cherokee Nation with quite a lengthy brief and argument in support of the claim of applicants to be enrolled as Cherokee freedmen. All of the applicants, except Bettie McCormick, must depend upon Bettie McCormick for their rights in the Cherokee Nation, and we will therefore discuss the testimony as applied to Bettie McCormick.

Applicants' attorneys insist that the undisputed testimony shows that Bettie McCormick was formerly Betsy Rogers and was born in the Cherokee Nation and was at the time of her birth the slave of Lewis Rogers who was a recognized citizen of the Cherokee Nation. They further contend that the testimony shows that she was born a few years prior to the war of the Rebellion and remained a slave of the Rogers family in the Cherokee Nation until emancipated by law and until after the close of the war in 1865. Bettie McCormick is not found upon the 1880 roll, nor does the testimony offered by Bettie McCormick show that she is one and the same person as the Betsy Rogers she seems to be seeking to impersonate. The testimony is not sufficient in our judgement to identify the principal applicant in this case as being Betsy Rogers. On the other hand, it is clearly shown by competent testimony that Bettie McCormick and her mother left the Indian Territory and lived for many years at or near Fulton, Arkansas, and that Calvin McCormick married his wife, Bettie, who is the principal applicant in this case, at or near Fulton, Arkansas, at least in the State of Arkansas.

The attorney for applicants say that there are two conditions necessary for the applicants to be enrolled as Cherokee freedmen. We agree that there are at least two, the first being that the applicant must have been a slave of a Cherokee citizen residing in the Cherokee Nation at the breaking out of the Rebellion and must have and must have remained in the Cherokee Nation during the war or, second, if the principal applicant was a slave of a citizen of the Cherokee Nation residing in the Cherokee Nation at the breaking out of the war and left the Cherokee Nation during the war, in order to acquire rights as a freedman citizen she must have returned to and taken up her residence in the Cherokee Nation within six months after the date of the ratification of the treaty of 1866, or third, she must have been a free colored person residing in the Cherokee Nation at the beginning of the Rebellion and remained in the Cherokee Nation during the said rebellion or, if she left the Cherokee Nation during the rebellion, she must have returned to the Cherokee Nation and taken up her permanent resident therein within six months after the date of the ratification of the treaty of July 19, 1866.

Now we contend that the principal applicant in this case does not come within either of the conditions precedent to acquiring citizenship as a freedman in the Cherokee Nation. We contend that she is not a Cherokee freedman and that she has failed, first, to show that she was a slave of a Cherokee citizen residing in the Cherokee Nation at the breaking out of the rebellion, or that she was a free colored person residing in the Cherokee nation at the breaking out of the rebellion, or, second, the testimony fails to show that she returned to the Cherokee nation within six months after the date of the ratification of the treaty of 1866 and establish her residence therein. Calvin McCormick, the husband of the principal applicant in this case, testifies that he is 32 years of age and that he first got acquainted with his wife, Hattie, in Fulton, Arkansas, where she was living at that time and where she had been living for some time prior to his marriage. He also testifies that he knew Sarah London, his wife's mother, in Fulton, Arkansas, prior to the date of his

marriage to Bettie and that his wife Tarat came to the Territory, about the time of the payment of the annuity among five or six years ago, that he did not remember the year of his marriage, but that his oldest child was 18 or 19 years old, and that he was married to Bettie, his wife, prior to the birth of that child, and that Sarah London and her husband, Ed London, lived in Fulton, Arkansas, and were keeping house there and lived there until after their marriage and until after their first child was born, and that he and his wife Bettie had been married about twenty years. This, we think, shows conclusively to any fair, reasonable and unbiased mind that Bettie McCormick was not a slave as contended by her or a Cherokee citizen in the Cherokee Nation at the breaking out of the Rebellion, and that she did not continue to reside in the Cherokee Nation after the war and establish a residence therein within the provisions of the treaty of 1866.

We, therefore, respectfully submit that the facts shown by the principal applicant are not sufficient to entitle her to be enrolled as a Cherokee freedman and that this application should be denied.

Respectfully submitted,

_____

_____

Attorneys for the Cherokee Nation.

[illegible]

[illegible]

[illegible]

In the matter of the [illegible] for the enrollment of BETTIE McDONALD [illegible], as Cherokee [illegible].

Reply of the Cherokee Nation.

In reply to the argument filed by William R. Greene on behalf of Bettie McDermick and her minor children, we desire to say that the testimony in this case tends to show that Bettie McDermick, nee Rogers, was born sometime about the beginning of the Civil War. The exact date of her birth is not shown, but the testimony conclusively shows that her mother, Sarah Landon, was sold out of the Cherokee Nation to a man by the name of Crabtree in about the year 1858, and the witnesses who testified as to the sale of the mother of Bettie were not inquired of as to Bettie, whether she accompanied her mother, which was probable, because if she was born at that time she would have been quite small indeed, because she is given out to be about 40 years old when she testified in August, 1906, and if she were as much as 47 at that time she would have been born about the time her mother was sold out. Of one thing, however, we are certain, and that is she does not show herself in the Cherokee Nation by no witness outside of herself and her mother prior to during the payment which was given some five or six years before 1896. While of course she testified that she had always lived in the Cherokee Nation, which of course we expect of all of these freedmen applicants, yet her former husband, Calvin McDermick, appears upon the stand on October 8, 1896, and testified that he had been married to this woman and that their [illegible] was then 18 or 19 years

"Q Attorney? A Yes sir."
Q What was her husband's name? A His name was Ed London."
"Q You knew her three or four years before you married her daughter?
A Yes sir."

If this be true, and if he married her as he stated in about the year 1881, then he knew Bettie from about 1877 or 1878, or anyway as far back as 1879, and she was then a resident of Fulton, Arkansas. Again, it will be noted that Bettie had a child when she and McCormick were married and if they were married in 1881, the child must have been born in all probability prior to 1880 and therefore she had a child living in 1880. We call attention to these facts because she claims to be enrolled upon the 1880 roll, and if the testimony of McCormick is true, which is admitted by Sarah London, to the effect that they were married in about 1881 and that he knew her three or four years before that, then Bettie was living in Fulton, Arkansas, and was not living in the Cherokee Nation, and Bettie also had a child born to her in 1880, this William Rogers, and if she had been enrolled upon the 1880 roll her child who was then in existence would also have been enrolled. But lets examine the testimony of her mother a little further. Sarah London on October 2, 1902, when called to the stand after McCormick left it, after attempting to testify that Bettie had been left in the Cherokee Nation during the war, and that she came up afterwards and got her, this question was asked her:

"Q How old was Bettie when you came and got her? A I think she was about four years old. She was a little bit of a thing."

Later on when being interrogated about taking Bettie away she said:

"Q Well, how long before the war was it Betsy was born? A I don't know how long it was; Betsy was a child; she was about that high (indicating) when I taken her away from here."
"Q. When you took her with you? A Yes sir.
"Q You mean about four years old? A I reckon she was."

Now then it will be seen from the testimony that this woman was sold out in 1858. If Bettie was born prior to that time it might be that she was referring to the time that she was next to Grabtree before the war that Bettie was taken with her and was then about four years of age. But if she had reference to after the war it must have been before the war closed or else Bettie would have been older. At any rate we are trying to impress upon the Department that Bettie was out of the Cherokee Nation

from either just before the war, during the war or immediately after the war for a period of thirty or thirty-five years, or until the time of the payment some five or six years before she made her application. Now, if it was the payment made to freedmen, that was made in 1897, and her mother testifies that Nettie never came back to the Cherokee Nation after she took her out of it, after she was about four years of age, until 1897, and her mother testifies that she married McCormick at Fulton, Arkansas, as does McCormick--corroborates him in every particular; so that the testimony is clear and unmistaken that Nettie was not in the Cherokee Nation within fifteen years of the time of 1880 roll was made. There is no evidence that she was ever in the Cherokee Nation after the war until some five or six years before she made this application, because if she was born a slave of Lewis Rogers prior to the time her mother was sold in 1856, and her mother admits being sold, admits what all of the witnesses on behalf of the Cherokee Nation testified, and if Nettie was a little thing when she took her out, not more than four years of age, then Rhoda must have returned about the beginning of the war and took Nettie to Fulton, Arkansas, with her. Henry C. Lowery testified that Sarah Rendon came to his neighborhood in Canadian District about the year 1854 or 1855 and McCormick testified that he had been married to this woman some three or four years when Sarah left and came to the Cherokee Nation, so that this tends to show that they were married in about the year 1851.

In the presence of Sarah Landon, J. P. Van Hoy and R. L. Martin were placed upon the stand, who testified as to her sale prior to the war and Sarah Landon, the mother of Nettie, was afterwards called to the stand and she admitted the truthfulness of the statement.

In the light of this testimony the Commissioner to the Five Civilized Tribes very properly held that Nettie Rogers was not enrolled upon the Cherokee authenticated roll of 1880. She was in Fulton, Arkansas, at that time and had been, according to the testimony of her mother, fifteen or twenty years, and according to the testimony of her mother and her husband, remained there fifteen or twenty years after that time, and it would not therefore have been her name upon the roll of 1880. The name

of Rogers is a very common one in the Cherokee Nation, but this Bettie Rogers not being here could not have been enrolled.

Even if she had ever been entitled to citizenship in the Cherokee Nation, or even if she had been enrolled in 1880 as a freedman citizen of the Cherokee Nation, under the testimony of her mother and of Calvin McCormick, she would not now be entitled to enrollment in the Cherokee Nation, because it is admitted about the year 1880 she married a citizen and resident of the State of Arkansas, and that she continued to reside in the State of Arkansas with her husband until the payment which as a matter of history we know was made in 1897, or a period of seventeen years, and not having any property in the Cherokee Nation, if she lived without the limits of the nation for that length of time, her residence followed that of her husband, and she would have forfeited any rights she may have had in the Cherokee Nation if she had ever had any, and would not therefore be entitled to be enrolled as a freedman citizen of the Cherokee Nation. See case of Catharine Mix decided by the Department May 21, 1904 (I.T.D. 2656-1904).

But we think the testimony conclusively shows that either Bettie Rogers was taken with her mother at the time she was sold out, which is the more reasonable theory, or if her mother did ever return for her when she was some four years of age, we think that was about the beginning of the war and that therefore Bettie never lived in the Cherokee Nation there after until about the time of the payment, or about 1897, as testified by Sarah London and Bettie McCormick. Taking that view of the case she never acquired any rights, was never enrolled, was never entitled to be enrolled, and is clearly now not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

N. W. Harris

Attorney for the Cherokee Nation.

MAR 22 1940

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Bettie McCormick,
Muskogee, I. T.
Cherokee-F-D-652.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible]

[illegible], Ind. Ter., June 5, 1900.

[illegible]

[illegible]

[illegible]

Madam:

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that time the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, freedmen persons and their descendants, and those who are found to have complied with the re-

DEPARTMENT OF THE INTERIOR,

[illegible]

Washington, D.C., June 5, 1926.

Dorsie Rogers,

Washington, Indian Territory.

Dear Madam:

On Friday, May 14th, you made application to this Commission for enrollment as a Freedman Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1866. Since that date the instructions of the Department with reference to the enrollment of Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all Freedmen, free colored persons and their descendants, but those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office to the Commission at Muskogee on any day between the 20th day of June and the 1st day of September.

Yours truly,

Acting Chairman.

Cherokee Freedmen
D-[illegible].

Muskogee, Indian Territory, October 17, 1906.

Nettie McCormick,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that further testimony is required as to the age, parentage and residence of your son, Will Rogers.

You are therefore hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Monday, November 12, 1906, and introduce testimony covering the above mentioned points.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-[illegible].

Muskogee, Indian Territory, October 17, 1908.

Mullen & Isaacs,

Attorneys for Bettie McCormick, et al.,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for enrollment of Bettie McCormick, et al., as Cherokee freedmen, you are advised that before a decision can be prepared in that case further testimony is required as to the age, parentage and residence of said Bettie McCormick's son, Will Rogers.

The applicant has therefore been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Monday, November 16, 1908, and introduce testimony covering the above mentioned points.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

L-238.

Muskogee, Indian Territory, August 8, 1905.

Wm. W. Greene,

Attorney for Bettie McCormick, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment, as Cherokee freedmen, of Bettie McCormick, et al., you are advised that, at your request, an opportunity will be given the applicant to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce such testimony as she desires tending to prove that her name is on the 1880 authenticated Cherokee tribal roll.

The Cherokee nation will also be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in this case.

Respectfully,

SIGNED

W. O. Ball

Acting Commissioner.

Lg

COPY

Cherokee Freedmen

Roll.

Muskogee, Indian Territory, August 6, 1906.

Nellie McGrainh,

Muskogee, Indian Territory.

Dear Madam:

At the request of your attorney, Wm. H. Greene of Muskogee, Indian Territory, you will be given an opportunity to appear before this office at nine o'clock A. M. on Thursday, August 16, 1906, and introduce testimony tending to show that your name is on the 1880 authenticated Cherokee tribal roll.

You are advised that the Cherokee Nation will be permitted to appear on that date and introduce, in rebuttal, such testimony as it may desire in this case.

Respectfully,

Tams Bixby

Acting Commissioner.

LS

Cherokee Freedmen,

Docket,

Muskogee, Indian Territory, August 6, 1906.

Bell, Hastings & Thompson,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment, as Cherokee freedmen, of Bettie McDermick, et al., you are advised that, at the request of Wm. H. Cravens, attorney for applicants, an opportunity will be given the applicant to appear before this office at nine o'clock A. M. on Thursday, August 16, 1906, and introduce such testimony as she desires tending to prove that her name is on the 1880 authenticated Cherokee tribal roll.

The Cherokee Nation will also be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in this case.

Respectfully,

(Signed) Wm. O. Beall
Acting Commissioner.

Lg.

Department Practice
D-Ste.

Muskogee, Indian Territory, August 14, 1902.

W. M. Stevens,
Attorney for Dosia McCormick, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith copy of supplemental testimony of August 10, 1902, in the matter of the application for the enrollment, as Cherokee freedmen, of Sallie McCormick, et al., together with a blank form of receipt for same which they are requested to sign and return to this office.

Respectfully,

LS

Acting Commissioner.

Incl. D-22

Muskogee, Indian Territory, August 14, 1908.

Hall, Dunlap & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of August 10, 1908, taken in the matter of the application for enrollment, as Cherokee freedman, of Bettie McCormick, et al.

Respectfully,

Encl. 3-23

Cherokee Freedmen
Dockets.

Muskogee, Indian Territory, November 8, 1906.

W. H. Stevens,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the record in the matter of the application of Nettie McCormick, et al., for enrollment as Cherokee Freedmen, together with a receipt for same which you will please sign and return to this office.

Respectfully,

Tams Bixby
Commissioner.

Inel. 8-107

Muskogee, Indian Territory, November [illegible], 1906.

Graves, Rutherford & Graves,

Attorneys for Nettie McCormick, et al.,

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of your letter of November 16, inclosing argument in behalf of applicants in the Cherokee Freedman enrollment case of Nettie McCormick, et al. You also inclose a brief in the matter of the application for the enrollment of Sarah London as a Cherokee freedman.

The same are returned herewith for the reason that they bear no evidence of copies thereof having been served on the attorneys for the Cherokee Nation.

Respectfully,

Geo. W. Rodgers,
Acting Commissioner.

Incl. 8-196

Muskogee, Indian Territory, February 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Sarah Louden for herself and minor children, Levi and Sam Louden; Irene Mann for herself; Ella Baxter for herself; Bobbie McDermick for herself and children, Henry, Bertha, Clara, Nettie, Helena, O. B., and Dewey McDermick, and William Rogers; Winer Louden for himself; and William Louden for himself, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1904, rejecting said applications.

Respectfully,

SIGNED. Wm O Beall
Acting Commissioner.

Incl. CL-97.
GEL

Through the Commissioner
of Indian Affairs.

Cherokee
P D 877 et al.

Muskogee, Indian Territory, February 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Sarah London, et al., Irene Ware, Ella Baxter, Betty McCormick, et al., Minor London, and William London, as Cherokee freedmen.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED: Wm. O. Beall
Acting Commissioner.

Incl. CL-96.
GEL

Cherokee
S D 277 et al.

Muskogee, Indian Territory, February 16, 1904.

W. H. Crawford,
Attorney for Sarah London, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1903, rejecting, among others, the applications for the enrollment of Sarah London and her children, Levi and Ann London; Bettie McCormick and her children, Henry, Bertha, Clara, Hattie, Helena, O. B., and Dewey McCormick, and William Rogers; Minnie London; and William London, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in these cases.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED: Wm O Beall
Acting Commissioner.

Inclo. 21-94.

Cherokee
D D CHL

Muskogee, Indian Territory, February 19, 1906.

Mattie McCormick,

Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the application for the enrollment of yourself and children, Henry, Bertha, Klara, Mattie, Helena, O. D., and Dewey McCormick, and William Rogers, as Cherokee freedmen. Your attorney, W. M. Crowens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Wm. O. Beale
Acting Commissioner.

Incl. 61-81.
CHL

ENGINEER.

Muskogee, Indian Territory, July 5, 1906

The Honorable,

The Secretary of the Interior,

Sir:

June 13, 1906, the Department referred to this office for consideration and appropriate action, a communication of June 9, 1906, from Wm. M. Cravens, Fort Smith, Arkansas, in connection with the Cherokee freedman case of Nettie McCormick et al. Cherokee Freedman D 348.

The records of this office show that on February 19, 1906, the record of proceedings had in the consolidated Cherokee freedman enrollment case of Sarah Lawson, et al., including the case of Nettie McCormick, et al., including the decision of the Commissioner to the Five Civilized Tribes, of the same date, adverse to all the applicants, was forwarded to the Department, where the case is now pending.

Mr. Cravens' communication is an additional argument in behalf of Nettie McCormick and her minor children; a copy thereof has been served on the Attorney for

[redacted]

[redacted]

Respectfully,

Through the

Commissioner of Indian Affairs.

[redacted]

[redacted]

Commissioner

Muskogee, Indian Territory, July 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office's letter of July 6, 1906, transmitting additional argument made by Wm. H. Cravens of Fort Smith, Arkansas, attorney for applicant in the Cherokee freedman case of Nettie McCormick et al, which case was consolidated with that of Sarah London et al, in which the Commissioner on February 19, 1906, rendered his decision and forwarded to the Department, there is inclosed herewith a reply by the attorney for the Cherokee Nation to said argument.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

JBK

Inc. M-52

Land
1906-1908
Envy. 6
Secret. 9

(Copy)

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON.

January 9, 1907.

The Honorable,
The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 19, 1906, transmitting the record relative to the application of Sarah London, et al., for enrollment as Cherokee freedmen.

On May 11, 1906, Sarah London applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her children, Levi and Wam London and Irene Mann, as Cherokee freedmen.

Bettie McCormick applied for such enrollment for herself and her children, Henry, Bertha, Clara, Hattie, Helena, C.D. and Dewey McCormick, and William Rogers, Ella Baxter, Miner and William London applied for such enrollment for themselves. These cases were consolidated.

On February 19, 1906, the Commissioner held that the applicants were not entitled to be enrolled as Cherokee freedmen.

The briefs of W. M. Cravens, attorney for the applicant, Bettie McCormick, and her children, and of W. W. Hastings, attorney for the Cherokee Nation, filed July 5, 1906, and July 28, 1906, respectively, have been received and considered.

The evidence shows that neither Ella Baxter nor Sarah

London, who were born in 1861, were slaves of Cherokee citizens or freedmen persons, within the provisions of Article 9 of the Treaty of 1866.

The applicants, Lewis, Ella, Elmer, and William London, and Irene Hunt, possess no right to be enrolled as Cherokee freedmen other than that derived from their mother, Sarah London.

The evidence further shows that the applicant, Nettie McCormick, has expatriated herself by moving her effects out of the Cherokee Nation, in view of the provisions of Section 2, Article 1, of the Cherokee Constitution. Her children, Henry, Bertha, Clara, Nettie, Helena, O.B., and Dewey McCormick, and William Rogers, possess no right to be enrolled as Cherokee freedmen not possessed by their mother.

The decision of the Commissioner adverse to the applicants recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

WRD--SD

RLR

D.S. 8916-1907.
I.T.D.348-1907.
LRS.

DEPARTMENT OF THE INTERIOR, LRB.

WASHINGTON.

January 18, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1906, the Acting Commissioner transmitted the record in the matter of the applications for the enrollment of Sarah London for herself and minor children, Levi and Ham London; Irene Mann for herself; Nila Baxter for herself; Bettie McCormick for herself and children, Henry, Bertha, Clara, Nettie, Helena, O.D., and Dewey McCormick, and William Rogers; Minor London for himself, and William London for himself, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 64830-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,
Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 4 to Ind.Of.

Cherokee 9.
Dodge

Muskogee, Indian Territory, January 21, 1907.

Dottie McCurdum,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 12, 1907.

Respectfully,

JMK

Commissioner.

Cherokee D.
D-677 et al.

Muskogee, Indian Territory, January 21, 1907.

W. A. Greene,

Attorney for Sarah Louisa, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 10, 1904, denying the application for enrollment of Sarah Louisa, et al., as Cherokee Freedmen, was affirmed by the Secretary of the Interior, January 12, 1907.

For your information, there is enclosed herewith a copy of Department decision referred to.

Respectfully,

Encl.H-12
JMM

Commissioner.

Cherokee P.
D-677 et al.

Muskogee, Indian Territory, January 24, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, denying the applications for enrollment of Sarah London, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 12, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. M-15
JMM

Commissioner.

Land
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,

CHIEF OF INDIAN BUREAU,

WASHINGTON.

February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 11, 1907 (I.T.D.342-1906), denying a motion for re-hearing in the matter of the application for enrollment of Sarah Loudon, et al., as Cherokee freedmen. I have the honor to transmit herewith a communication from Gravens & Gravens, attorneys, at Muskogee, I.T., dated February 6, 1907, in which they request a careful reconsideration of the record so far as it denies the application of Betty McCormick and her children, Henry, Bertha, Clara, Hattie, Helena, Odee, and Dewey McCormick.

They allege that Betty McCormick does not claim through her mother, Sarah Loudon, but that she acquired her right by reason of having been a slave of a Cherokee citizen born and raised in the Cherokee Nation, and was living in that Nation at the time of the treaty 1866, and that her claim and that of her children are based on the ninth Article of the treaty of 1866. It is further alleged that a few years after the treaty of 1866 she left the Cherokee Nation for a time, but with the purpose of returning and never with any purpose of expatriating herself or to become a citizen of any other Government.

A [illegible] of the testimony in the record in support of the application of Polly Wakefield does not show when she was born, or be fact, it is conclusively shown that she was a slave. Her own testimony is in direct contradiction to that of her husband and her mother on many material points. The testimony tends to prove that she left the Cherokee Nation about the close of the Civil War, and was taken to the State of Arkansas, where she lived until after hermarriage.

Construing the letter of Messrs. Greenes & Greenes as a motion for review, the Office respectfully recommends that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FEB—CD

A [illegible] of the testimony in the record in support of the application of Polly Wheeler does not show when she was born, or in fact, it is conclusively shown that she was a slave. Her own testimony is in direct contradiction to that of her husband and her mother on many material points. The testimony tends to prove that she left the Cherokee Nation about the close of the Civil War, and was taken to the State of Arkansas, where she lived until after her marriage.

Construing the letter of Messrs. Greene & Greene as a motion for review, the Office respectfully recommends that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FEB--GD

[illegible] 123

D.C.[illegible]-1907. [illegible].
L.S.R.[illegible]-1907.

123. February 18, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of January 18, 1907, wherein the applications for the enrollment of Sarah London for herself and minor children, Levi and Ben London; Irene Mann for herself; Ella Baxter for herself; Bettie McCormick for herself and children, Henry, Bertha, Clara, Nattie, Helena, O.D., and Dewey McCormick, and William Rogers; Elmer London for himself, and William London for himself as Cherokee freedmen were denied, you are advised that the Department is now in receipt of a report from the Commissioner of Indian Affairs dated February 18, 1907 (Land 12103), forwarding a communication from the attorneys for the applicants Sarah London et al., in which they state that they fear that the case "has not been fully considered," and request a further consideration of said case.

The Indian Office states that a reexamination of the record in support of the application of Bettie McCormick does not show when she was born, or in fact is it conclusively shown that she was a slave, her own testimony being in direct contra-

citizen of that of her husband and that of her father on many material points. The testimony tends to prove that she left the Cherokee Nation about the close of the civil war and was taken to the State of Arkansas, where she lived until after her marriage. Construing the letter of the attorneys as a motion for review, the Indian Office accordingly recommends that it be denied.

In compliance with the request of the attorneys for the applicant Sarah London, the Department has again considered the record in this case in so far as it applies to said Sarah London. The testimony of E. L. Martin shows that prior to the civil war said Sarah London "fell" into the hands of his father and was by him sold to one Crabtree, who is said to have lived in Arkansas. It is not shown that said Crabtree was a Cherokee citizen. Sarah London was asked if this witness had made any mistake, and testified "no, sir, none." This evidence is supported by the testimony of other witnesses, and it not being affirmatively shown that said applicant was the slave of a Cherokee citizen and that she returned within six months after the treaty, her application was properly denied.

The Department adheres to its decision dated January 12, 1907, and construing the communication of this applicant's attorney as a motion for review, said motion must be denied.

You are requested to advise the attorneys of the action of the Department.

A copy of the Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

[illegible]

First Assistant Secretary.

1 Inc. and 9 to Ind. Off. [illegible]

Dixon.

Muskogee, Indian Territory, February 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith "reply of the Cherokee Nation" filed with this office February 18, 1907, which appears to be a reply to a motion for a rehearing in the Cherokee Freedman case of Bettie McCormick et al. Service of a copy of this reply is acknowledged by Gravens & Gravens, of Muskogee, Indian Territory, attorneys for the applicants.

The records of this office fail to show that a motion for a rehearing of the case of Bettie McCormick et al., has been filed with it.

January 12, 1907 (I.T.D.362-1907), the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the application for enrollment of, among others, Bettie McCormick et al., case No. D. 628, the same being embraced in the consolidated Cherokee Freedman case of Sarah London et al.

Respectfully,

Commissioner.

J.O.R.-L.
Enc.L-2.

Muskogee I.T.

GHM

Muskogee, Indian Territory, March 7, 1907.

Nettie McDaniel,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that the motion for review in the matter of the application for the enrollment of yourself and children, as Cherokee freedmen, was denied by the Secretary of the Interior, February 19, 1907.

Respectfully,

SIGNED Tams Bixby.

MM

Commissioner.

Cherokee D. R.
977

Muskogee, Indian Territory, March 9, 1907.

W. W. Greene,
Attorney for Sarah London,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for review in the matter of the application for the enrollment of Sarah London, was denied by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Enc. M-76
MM

Received D. C.

COPY

Muskogee, Indian Territory, March 7, 1907.

W. H. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for review in the matter of the application for the enrollment of Sarah London, was denied by the Secretary of the Interior, February 19, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Enc. M-77

MK

# NOTICE

IN THE MATTER OF the application of [illegible] for the enrollment as a Cherokee citizen

Case No. [illegible]

To [illegible] Mississippi I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes sitting in Muskogee, Indian Territory, on behalf of the Cherokee Nation your claim to be enrolled as a Cherokee citizen, at the office of the United States Commission to the Five Civilized Tribes in the [illegible] Muskogee, Indian Territory, [illegible] 26 [illegible] at 8 o'clock A. M. [illegible] to-day thereafter until the same can be heard, and that from time to time during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901

L. B. Bell

[illegible]

Attorney for the Cherokee Nation

# AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Bettie Melannick for enrollment as a Cherokee Freedman.

No. F. D. 652

Henry Pack of lawful age, being duly sworn on oath states that on the 16 day of September, A. D., 1901, he registered to Bettie Melannick whose postoffice Muskogee Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto~~ ~~[illegible] copy of the [illegible]~~ ~~Indian Territory~~, and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Bettie Melannick showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

J. O. Starr

Notary Public.

25652

Muskogee, Indian Territory, November 5

RECEIVED BY THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Seminole 652

Ottie McCormick et al

Wm M Cravens

Attorney for Applicants

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee I.T. Oct 7, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Bettie McKennedy et al for enrollment as Freedman of the Cherokee Nation.

Isaac T. McRea
Attorney for applicants

No. 7452

Trans. from Cher Fr D 654

Cherrett R 964

William London 3

[illegible]

[illegible] on the roll of 1880 or 1896; he is [illegible] years of age; and [illegible] information in his case there will be filed with it a copy of the testimony in the case of the mother, that testimony the [illegible] gave in the application made by and for her [illegible] Betsy McCormack, including her testimony ordered [illegible] in the mother's case also, [illegible] Sarah London, [illegible] Freedman doubtful case 877; his father is a Creek, and hence the applicant's claim is through the mother only; the final decision of the Commission will be [illegible] to the applicant at his post-office address.

---

B.D. Tyson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B.D. Tyson

Subscribed and sworn to before me this June 18, 1901.

[illegible]

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I.T., June [illegible],

In the matter of the application of William London for the enrollment of himself as a Cherokee Freedman, being duly sworn and examined by Commissioner Breckinridge, he testified as follows:

Q. What is your name, give your name? A. William London.
Q. How old are you? A. 20.
Q. What is your post-office address? A. Kansas City now, stopping up there awhile.
Q. Are you living on a land in the Cherokee Nation? A. Yes sir.
Q. What part of the Cherokee nation do you claim to be your home, what district? A. Cooweescoowee.
Q. Who is it you want to have put on the roll, your wife? A. Yes sir.
Q. Anybody else? A. No sir.
Q. Are you married? A. No sir, I aint married.
Q. Have you ever been married? A. No sir.
Q. Where were you born? A. They told me in Kansas, this district, I don't know where at.
Q. How long have you been up at Kansas City? A. I went there this winter.
Q. Were you ever there before this time? A. No, not up there.
Q. Where have you been now during your life? A. I have been in Denison Texas awhile.
Q. How many times have you been down to Denison? A. I stayed down there a year, once.
Q. You went there once and stayed a year? A. Yes sir.
Q. Did you ever go there another time and stay? A. No, I stopped in the Chickasaw Nation, at Frank Goodens and worked for him, a Chickasaw Indian.
Q. Have you been to Texas now but the one time you speak of? A. No sir, I have been in Texas, worked on a railroad, on extra gang, laying steel you know.
Q. Building track? A. Yes sir.
Q. How long did you work at that? A. Worked down there all the spring once, up in April.
Q. That was only a year? A. Well yes, it was about a year I guess, nearly a year anyhow.
Q. How many times have you had work up up in Kansas? A. I never worked up there before, I worked over in Arkansas.
Q. Where did you work in Arkansas? A. I ran train porter from Fort Smith to Coffeyville Kansas two years.
Q. On the Valley Road? A. Yes sir, on the Valley.
Q. That was mostly in the Cherokee nation wasn't it? A. Yes sir.
Q. Where did you make your home at that time, in Fort Smith? A. Well didn't stay only just as the train was delayed, thirty-six hours at each end of the road.
Q. As much one place as another? A. Yes sir.
Q. Give me the name of your father? A. Ed London.
Q. He is alive? A. Yes sir.
Q. Give me the name of your mother? A. Sarah London.
Q. She is alive? A. Yes sir.
Q. Does your father claim to be a Cherokee Freedman? A. No, he is a Creek.
Q. Have you ever applied to be enrolled as a Creek? A. No sir.
Q. Have you ever applied to be enrolled with any tribe except the Cherokees? A. No sir.
Q. Is this your mother standing here, who was testifying just now? (Indicating) A. Yes sir.
Q. Did you have a sister named Kattie McCormack? A. Yes sir.
Q. It seems none of your family are on the roll of 1880? Do you know why you are not on that roll? A. No I don't know why I wasn't on it, I know where I was at.

William Gordon [illegible]

Q [illegible] your father's name was an Indian named [illegible], Chickasaw Indian by blood, Mamie [illegible] he died or thought been murdered at the Freedman [illegible] and he was [illegible] he got on the roll.
Q Was that in Denison? A Yes sir, I was there attending to his [illegible]
Q Did you come into Ardmore? A Yes sir.

(Then authenticated roll of citizens of the Chickasaw Nation was [illegible] and applicant was identified thereon.)
(The census roll of citizens of the Chickasaw Nation was [illegible] and applicant was identified thereon.)
(Certificate of Marriage of the parents of the applicant was [illegible] and identified thereon as follows:
Q What is your full name? A William Rogers.
Q How old are you? A About twenty years old now.

Examined by Chickasaw Representative, James Davenport:

Q How long did you live with your brother in Denison, Texas, or did you live there at all with him? A Yes, he stayed down there where I used staying.
Q About how long did he and you stay there? A He stayed there about nine months or ten.
Q Where was that? A That was been here a short time ago.
Q Where had you been living prior to going to Denison? A I lived at Colbert.
Q Colbert in the Chickasaw Nation? A Yes sir.
Q How long did you stay at Colbert? A I worked down there two or three years with Frank Gordon.
Q Where did you go from to the Chickasaw Nation? A I went from there to Denison.
Q Did you come from Denison to Madrogal? A I came from Mt. Smith to Madrogal.
Q How long did you live in Mt. Smith? A Two years.
Q Can you remember when your mother was living at Fulton Arkansas with Sam Orr's family? A No.
Q Have you ever been to Fulton, Arkansas? A Yes, I have been through there several times.
Q Did you ever live there? A No sir.
Q You have been living in Kansas City, how long? A I went up there this winter.
Q You came from there here to enroll did you? A Yes sir, I am working up there.
Q Have you no family? A No.

By Comr. Breckinridge:

Q You didn't live at Fulton with your mother then? A No.
Q Are you in Kansas City, Kansas? A Yes sir.

[illegible] The applicant is identified by the [illegible] that he is a native of the Chickasaw Nation and his father [illegible] Chickasaw Nation and his father [illegible] in the Chickasaw Nation, [illegible] recently in [illegible] the time of [illegible] additional year [illegible] construction work [illegible] [illegible] and [illegible] that for some two years he was partner [illegible] Fulton, Arkansas, he with [illegible] on a [illegible]

William [illegible]

[illegible]

[illegible]

[

CHERO
FILED
JUN 10 1901

Department of Commerce

# CHEROKEE FREEDMEN.

Date [illegible]

Post Office [illegible]

Dawes No. [illegible]

1 Name [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2 Name of wife [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

Names of Children:

3. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
4. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
5. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
6. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
7. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
8. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
9. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
10. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
11. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
12. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

Application made by [illegible] Stenographer [illegible]

Doubtful

Wilson R. Le Roe and Will Rogers

X Ref to F.D. 577.

testimony of Sarah Loudad and Betsy McCormack in above styled case as transcribed by stenographer, M.D.Green.

(signed)M.D.Green.

Subscribed and sworn to before me this August 18, 1901.

(signed)T.B.Needles,
Commissioner.

----oooo----

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this August 18th, 1901.

Commissioner.

To be filed in case of William London, etc-cet.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 7, 1901.

In the matter of the application of Sarah Lond on for the enrollment of herself and two children as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your name? A Sarah London.
Q How old are you? A I don't know sir.
Q Are you a hundred years old? A I expect so; I don't know.
Q You are hardly a hundred years old? A I am pretty old Mistis.
Com'r: Well we will put her down 65.
Applicant: Well, put it down as near as you can come at it.
Q What is your post-office? A Muskogee.
Q Do you live in the Cherokee Nation, or are you living at Muskogee? A I am living at Muskogee now.
Q What district in the Cherokee Nation do you claim as your home? A Goodwoodcreek.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, six children.
Q Are these six children all under 21 years of age? A I couldn't tell you exactly, there's one of the boys can tell you the ages of them.

MINOR LONDON, being sworn and examined by Com'r Breckinridge, testified as follows:

Q What is your name? A Minor London.
Q Are you a son of this woman here? A Yes sir.
Q How many children has your mother? A She has got 10 altogether.
Q How many of them are under 21 years of age? A Two.
Q Are these two unmarried? A Yes sir.
APPLICANT RE-CALLED:
Q How long have you lived in the Cherokee Nation? A Been living there all my life.
Q You ever been out at all? A Yes sir.
Q You out during the war? A Yes sir, I was sent out before the war, down south.
Q Down to Texas? A Yes sir.
Q Did they bring you back after the war? A I come back after the war.
Q What time did you come back? A I come back as near as I can recollect just after this here treaty, I just heard them talking about the treaty, that's all I know about it.
Q You think you came back in the year '66 then? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Who was it you belonged to? A I belonged to Lewis Rogers.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir, he ought to be, he has been here long enough.
Q Give me the name of your father? A My father was named Sophie and Peter.
Q Your father wasn't named Sophie was he? A That was my mother.
Q Your father was what I asked you about? A Peter Rogers.
Q Is your father dead? A I don't know sir, they sold them to Mr. Bell.
Q Way before the war? A Yes sir.
Q Give me the name of your mother? A Sophie Rogers.
Q Did she belong to Lewis Rogers? A Yes sir.
Q Is she dead? A I dont know sir.
Q What became of her? A She was sold to Mr. Bell too.
Q Sold in Texas or where? A Sold out on Beatty's Prairie.
Q Was she sold so as to go out of the Cherokee Nation? A No sir, she didn't go out of the Cherokee Nation then, she was sold to a

Sarah Rogers et al ?

citizen?
Q Was Mr. Bell a Cherokee citizen? A Yes sir, Mr. Bell was a Cherokee citizen, I saw his son here.
Q Name you sold to Mr. Bell too? A No sir.
Q They kept you? A Yes sir.
Q You lived with Lewis Rogers? A Yes sir.
Q How many times have you been married? A Once.
Q When were you married? A I couldn't tell you.
Q Did you marry before the war? A No sir, since the war.
Q Pretty soon after the war? A Yes sir.
Q What was the name of your husband? A Ed London.
Q He is dead? A No sir, he is living.
Q He is a state man? A No sir, he is a Creek.
Q Is he enrolled as a Creek? A Yes sir.
Q Did you ever apply to enroll as a Creek? A Yes sir.
Q They didn't enroll you? A Oh, you say did I apply?
A Yes? A No sir.
Q Did you ever apply to be enrolled in any other nation except the Cherokee? A No sir.
Q You and Ed London still living together? A Yes sir.
Q How long have you been living in Muskogee? A Right smart while, I couldn't tell you exactly how long, I stayed out in Brushy Mountain a long time.
Q Did your husband ever live with you in the Cherokee Nation?
A Yes sir, we lived in Brushy Mountain a long time.
Q Have you got anyhome in the Cherokee Nation? A No sir, just working around there in Muskogee.
Q What are the names of your two youngest children? A Levi and Ham.
Q How old is Levi? A I couldn't tell you.

Witness, MINOR LONDON, re-called and further examined, by Commissioner Breckinridge:
Q How old is your brother, Levi? A 17.
Q Whatis the name of the next child to Levi? A Ham.
Q How old is Ham? A 16.
Q Ham is the youngest of the children? A Yes sir.
Q There are no others that are 21, all the others are over 21?
A Yes sir.
Q Are these two children both living now? A Yes sir.
Q Where are they living, in Muskogee with their mother? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 129 #3208 Sarah Rogers, Cooweescoowee District;
page 129 #3210 Levy Rogers, Cooweescoowee District;
page 129 #3211 Ham Rogers, Cooweescoowee District.

THE REMAINDER OF TESTIMONY IN THIS CASE IS CONTINUED BY STENOGRAPHER CHARLES von WEISE:

----oooo----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green.

Subscribed and sworn to before me this July 11th, 1901.

(signed) T.B.Needles,
Commissioner.

Cherokee Nation A

(Continued from Commissioner, W. A. Drennen.
In the Case I. T. Case 'Im Jent

The witness, being sworn as a witness by Comr. C. A. Drennen, testified as follows for the applicant:

By Commissioner:
Q What is your name? A Dan Bennett.
Q How old are you? A About 60 I guess maybe older.
Q What is your post-office? A Nowata.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived here? A Raised here.
Q Were you out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where to? A Kansas.
Q Do you know the applicant here? A Yes sir.
Q What is her name? A Sarah.
Q Sarah what? A Rogers.
Q Whole married now isn't she? A I dont know nothing about her marriage, I dont live by her.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir belonged to Lewis Rogers.
Q And was Cherokee citizen? A Yes sir.
Q Was she living here in the Cherokee Nation when the war broke out?
A Yes sir.
Q When did you come back from Kansas? A In '66.
Q Did you know this woman in slavery days? A Yes sir, I used to see her.
Q Did you know her at that time? A Yes sir.
Q Did she live in your neighborhood? A No sir she lived about, to my knowledge, a bout 12 miles from me.
Q When did you first see her when the war closed? A First at Fort Gibson.
Q How long after you got back here? A I just had got back, about three weeks after I came back.
Q Are you on the roll of 1880? A Yes sir.
Q That was before her marriage? A Yes sir, she wasn't married when I seed her.

By Mr. Davenport for Cherokee Nation:
Q Did you ever live in Tahlequah district? A Yes sir.
Q Was you ever up there before the court for anything? A Not as I knows of.
Q Dont you know you was before the court for stealing and convicted and whipped publicly at Tahlequah? A Not as I know of.
Q Was you or was you not convicted and publicly whipped by the Sheriff of Tahlequah district for stealing? A I won't answer nothing that wasn't done lawfully, I wont answer nothing that was just done to keep my vote out, anything that was done lawfully I will answer.

By the Commission:
Q You dont want to give in testimony to your own hurt, is that it?
Q It would not hurt me, no sir; if it was lawful I would answer it.

By Mr. Davenport:
We except to the Commissioner's ruling in this.

By Mr. Davenport of the witness:
Q When did you leave the Cherokee nation to go to Kansas? A Time of the war.
Q Do you know where this woman was living at the breaking out of the war? A Yes sir.
Q Where was she living? A She was living I think in Goingsnake.

Sarah Leadne (

Q Do you know? A Yes sir she was living there.
Q In Muskogee? A Yes sir.
Q Was that a slave of Lewis T. Ridge at the breaking out of the war?
A Yes sir.
Q Where was Lewis T. Ridge living at the breaking out of the war?
A I dont know.
Q I will ask you if you dont know that he was a citizen of the state of Arkansas at the breaking out of the war and not living in the Cherokee nation at all then? A I dont know as he was living there
Q Was or wasn't he not a citizen of the state of Arkansas and residing there then? A I can't tell you that.
Q You hadn't seen him for some years in the Cherokee Nation before the war broke out had you? A I hadn't seed him just before the war.
Q How long before the war broke out that you saw Lewis T Ridge in the Cherokee nation? A About 20 years.
Q Then you have no idea whatever as to where this woman was living and where Lewis T. Ridge was living when thewar broke out? A I seed to see this woman.
Q But that was some years before thew ar broke out? A Not right in the neighborhood where I was living, but I seeather.
Q You know as a matter of fact don't you, that Lewis T. Ridge, and his family did not live in the Cherokee Nation for a long time prior to the breaking out of the war, and that the Lewis T. Ridge family are not recognized citizens of the Cherokee Nation to-day? A No sir I dont.
Q Did Lewis T. Ridge have any children? A Yes sir, if I am not mistaken, I was never to his house, just seed the colored people that he owned.
Q Where did you see the colored people thathe owned if you were never at his house? A (No response).
Q Give me the name of one of Lewis T. Ridge's children? A I cant give the names.
Q Did he have a boy named William Cornelius? A Yes sir I guess it was.
Q You know he had one son? A Yes sir.
Q Do you know where William Cornelius is living now? A I dont know.
Q You claim to have seen this woman where after the war? A At Gibson.
Q How oldwas she? A I dont know.
Q Was she a child then? A No sir a woman.
Q Grown woman? A Yes sir.
Q How long did you stay with her when youwere at Fort Gibson?
A I didn't stay withher.
Q You were living in Tahlequah district before the war weren't you?
A Nosir in Flint.
Q Who was she living with when yousaw her at Fort Gibson rightafter thewar? A There was three women staying there together.
Q What was her name then? A Sarah.
Q Sarahwhat? A Rogers.
Q Did she stay then if she had left the Cherokee nation during the war? A No sir I never asked her.
Q You didn't ask her where she had been living after thewar broke out? A No sir.
Q That was just after war times and you colored folks were all coming back and meeting oneanother again, and yet you say you didn't ask her where she had been all through thewar? A I was not there meeting people, I was selling and trafficing.
Q You dont know if this was '66 or 68 that you saw this woman in Fort Gibson do you? A I hadn't been there long.
Q Well you dont know when itwas that you got back yourself do you?
A Yes sir.
Q When was it? A In '66, in the spring.
Q How do you know itwas? A I was told itwas.
Q Was it before or after the treaty? A I was inside of the treaty.
Q Did you come back before orafter the treaty was made? A Yes sir I guess I did.

Sarah Hughes 8

Q Well, which was it? A I don't know anything about the days of one or the.
Q But you could tell if it was before or after the treaty was made had you heard of the treaty having been made when you returned? A Never heard anything about it then.
Q Did you come back in the fall or in the spring of the year? A In the spring of '66 I tell you.
Q When you got back to Fort Gibson, did they tell you about the treaty? A No sir.
Q When made you come back then? A I was borned raised here and wanted to get back to my old home, I loved my home and wanted to get back to it, didn't know no other place but this as my home.
Q Was the war over? A Not quite done yet cause there was still soldiers here.
Q The troops were still here were they? A Yes sir.
Q Do you know what year this is? A No sir I dont.
Q Dont know anything except '66 do you? A Yes sir, but I dont know anything About your high language.

DAVID MARTIN, called and sworn as a witness, testified as follows, on the part of the applicant: Examined by the Commission:

Q What is your name? A David martin
Q What is your age? A 64.
Q What is your post-office address? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A All my life only when I was out during the war.
Q Are you on the roll of 1880? A No sir.

By Mr. Davenport:
Q What do you know about this woman? A I knowed her owners.
Q How long before the war? A All my life.
Q Where were they living before the war? A On Sallisaw.
Q Who were her owners? A Lewis Ridge.
Q Did he have a 'Y' in his name? A No sir, that was his son.
Q Sometimes called Osage Tom"? A Yes sir.
Q He had a son called Cornelly? A No sir, he had, John, Sam, Pole and Tom.
Tom was the oldest, John next, Pole next, and Sam was the youngest.
Q Do you know where this woman was during the war? A No sir.
Q How long before the war did you see her? A In '59.
Q Where was you living then? A With Joe martin, right joining places he had her young Missus for a wife, we was together all the time.
Q Do you know where the Ridges went? A No sir.
Q Are you able to state if they left the Territory? A No sir, I cant.
Q Where did you see this woman after thewar closed? A Never saw her again until I saw her at the Wallacecourt.

By Commission:
Q You saythat you lived on adjoining places to where this woman lived? A Yes sir, and some of the time on the same place.
Q Where did you go to during the war? A Kansas.
Q When did you go to Kansas? A I went to Kansas in '61.
Q What time in '61? A I left in February of '61- I was in the woods scouting since '59.
Q How does it happen that you did not see this woman from '59 until the Wallace court, and that you did not know where she went during the war if you lived on adjoining places to her? A Well you see I was not at home from '59, I was in the woods scouting, from what I learned they taken this woman south during the war and I went north.
Q Why didn't you see her from '59 until 61 when you went to Kansas? A I was not at home, I was in the woods scouting all the time.

Creek Freedmen 6

[illegible] recalled and examined by the Commission.
Q Who did you come there with in the Nation, yesterday? A With a Creek
[illegible] of Tulsa.
Q Do you know if any of them are alive yet? Those with whom you
[illegible] the Cherokee Nation? A No sir I have been so long I
[illegible] that I don't know of any of them to give you an
Q Were you taken out into the country? A Yes sir
Q Who did the Arkansas man? A A place called Dutch.
Q What did you do down the Arkansas river? A No sir, I was working.
Q When did you first go to Fulton? A About a little before the war.
Q About how long before the war? A I could tell exactly how long.
Q Were you working in a negro family there? A Yes sir.
Q Whose family? A Mr. Crabtree's.
Q Were you hired to him? A Yes sir
Q Who went with you to Fulton? A A whole routine went-they carried us.
Q Did you stay there about Fulton until you came back to the Cherokee nation after the war? A Yes sir.
Q Who was your master Lewis Ridge at that time? A He was dead before the war.
Q Who claimed you as an owner? A Mrs. Ellen Ridge.
Q Where was she when you were at Fulton? A She was here in the nation.
Q Did she have many slaves? A Yes sir a good many, she had my sister.
Q Who had charge of you when you went to Fulton? A I dont remember his name.
Q What was he? A One of them was a Cherokee, he was the man that carried us there.
Q Was he a farmer or a planter? A I dont know.
Q Did he claim to own you? A Yes sir.
Q What was his name? A Crabtree.
Q Was he a Cherokee man? A No sir.
Q Was he an Arkansas man? A Yes sir.
Q Did he own you when you went to Fulton? A Yes sir he said that I belonged to him.
Q He took you to Fulton did he? A Yes sir, and lots of us come back.
Q Did you live with this man Crabtree until youwere set free by the war? A Yes sir, they was Creeks.
Q Who was Creeks? A Mr. Crabtree's folks.
Q Did you know Crabtree before you belonged to him? A No sir.
Q Did you know where he lived before you belonged to him? A No sir.
Q Did he have a home there at Fulton? A Yes sir.
Q Did he live in town or in the country? A In the country.
Q Did he have afarm there? A Yes sir.
Q Did he have slaves there before you come there? A Yes sir he had a whole passel of them, all Indian darkeys.
Q How many did he have? A I dont know.
Q Did you find themthere at work when he brought you there? A Yes sir.
Q Did they tell you where theyhad come from? A Yes sir they all come from the nation.
Q Did Crabtree have a wife? A Yes sir.
Q What was her name? A Shewas a Creek.
Q What was her name? A Ceila.

By Davenport:
Q Was that the same Crabtree family that lives in Muskogee? A Yes sir, Font and Jim.
Q Did they have a brother named Ben that lives at Fulton? A A cousin

By the Commission-
Q Who is there here that knows of your being married to Ben London?
A I can call any one of them.

Sarah London ?

John Rose, called and sworn as a witness, testified as follows for the applicant:

By the Commissioner:
Q What is your name? A John Rose.
Q How old are you? A 36.
Q What is your post office? A Muskogee.
Q Do you know the applicant here? A I have known her about ten years.
Q She is married is she? A Yes sir.
Q What's the name of her husband? A Ed London.
Q Has she been living with him as his wife ever since you have known her? A Yes sir.
Q They have a lot of grown children have they? A Yes sir.
Q You know the family do you? A Yes sir.

Applicant recalled and examined by Mr. Davenport:
Q You own property there in Muskogee now do you? A No sir I am working there is all.

By Com'r Brookbridge: The applicant applies for herself and two children who are minors. She is identified on the Kern Clifton roll but not upon the roll of 1880 or that of 1896. It appears from the testimony that she was at one time a slave of a Cherokee citizen, but that she was sold prior to the war to a family presumably a Creek, who lived near what is now known as Fulton, Arkansas, and that she was there taken before the breaking out of the Civil war, and lived there until she was set free by the war. She claims to have come to the Cherokee nation in the year 1866. This is confirmed by two witnesses cited in the case, but her testimony is vague and does not convey as the impression of being reliable; however, it appears that she has lived in the Cherokee nation ever since she returned except some years in the Creek Nation. Her change of name arising from marriage is established in a satisfactory manner. Giving her the benefit of any doubts that may exist at this time, she will be listed for enrollment as a Cherokee freedman on a doubtful card and the final decision will be made known to her at her post-office address. As for her two children, Levi and Sam, they are both minors and applicant shows that the Cherokee freedmen claim it only through their mother as their father is a Creek; it is stated that neither the applicant nor any of the children have ever been enrolled as Creeks, the only application that has been made for them being for enrollment as Cherokee freedmen; the children will be listed for enrollment as Cherokee Freedmen on a doubtful card to await the termination of the status of their mother, through whom they claim. The final decision of their case will be made known to their mother at her post-office address.

* * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cause from page 3 inclusive, and that the same is a full and correct transcript of his stenographic notes thereof.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of June, 1901, at Nowata, I.T.

(signed) T.B. Needles,
Commissioner.

* * * * * * * * * * * * *

To be filed in case of Sarah London CTD-~~xxxx~~ 577

[illegible]

[illegible] Judgment.

SARAH LOWING, recalled and further examined testified as follows

Q Where did youay this daughter was born? A Iwas born on Chatham.
Q In the Cherokee Nation?A Yes sir.
Q Was that before the war? A Yes sir.
Q You were out of the Cherokee nation during thewarwere you?
A Yes sir, before thewar started Miss Ellen sent me to Texas.
Q How long before it started?A It was a good while.
Q Several years?A Yes sir, I reckon it was.
Q Several years before the war began? A Yes sir.
Q Where was it you lived down there in Texas?A I livedright down on a place now- I can't call the name of that place, but there about it was on the side of the river, on Crabtree's place.
Q Who was Crabtree?A Itwas Mount Crabtree's daddy, the one that lives right here in Muskogee.
Q You were living on Crabtree's place, the father of Mount Crabtree who lives in Muskogee now? A Mount Crabtree's widow.
Q Was Mount Crabtree a Creek?A Yes sir.
Q Was his father a Creek?A Nosir, white man.
Q Mount Crabtree's mother was a Creek?A Yes sir.
Q How long did you live withthe Crabtrees? A Until the surrender.
Q Who was it you belonged to after youw ent to live with the Crabtrees?A Lewis Rogers, he raised me, he was at first master.
Q And he sold you to the Crabtrees? A Miss Ellen Rogers did.
Q Did you live with them until the war closed? A Yes sir.
Q Was this child born when you went down to the Crabtrees? A Yessir. Theytaken this child away from me and kept her here in the Nation, when I come back here she was about that high(indicating), and I taken her.
Q About how old? A I couldn't tell you how old she was.
Q She was a little thing was she? A Yes sir.
Q This child then didn't go out of the Cherokee nation during the war?A No sir, itwas after thewar when she went out; when I come and got her and carried her away from here.
Q Where did you carry her? A I carried her down there to Fulton.
Q Thatis down in Arkansas? A Yes sir.
Q When was it you carried her there?A That was after the war.
Q Pretty soon after the war?A Yes sir.
Q How did you happen to go down to Fulton? A I had been down there all the time, and I couldn't find none of my people up here that I knowed.
Q Had you been down there about Fulton during the war? A Yes sir.
Q Did this daughter ever work at Texarkana? A No sir, [illegible]. A She was down there after she growed up.
Q Did she go from Fulton to Texarkana? A No sir, I brought her back here and she run off and went down there.
Q How long did she stay withyou at Fulton?A She was a little thing when I took her there, and stayed there untilshe was a young woman. And then I brought her back here and she went off

down in Texarkana.
Q And there she married?A Yes sir.
Q How long before she was was it that th e daughter was born, one of as soon as five or six or seven years?A Mister, I can't tell you and tell you the truth, because I don't know one year from nuth er. Only Miss Nila said it was Christmas, and that's all I know about it.
Q When you were sold to the Crabtrees they didn't sell thisch?d with you?A No sir.
Q They kept her back here? A Yes sir.
Q And then when you came back after the war you took her to Fulton with you?A Yes sir.
Q How did you happen to go back to Fulton after you once came here after the war? A I couldn't find none of my people, And I knowed the people down there and I just went back; it was harder times here than that it was down there.

By Mr. Davenport:
Q When you came from Fulton back to the Territory after the war what route did you travel? A Big road.
Q How did you come? A Come afoot, walking; I walked down there and I walked back; Crabtree carried me down there and I walked down there.
Q There was some one went with you down there? A Yes sir, and some one came back with me too.
Q Who was it you came back with?A Liza and Rachel.
Q Your sisters? A No sir, no kin to me at all; theybelong to the Nation.
Q You know how many children by Bettie McCormack was born while she was living in Texarkana? A Two, of them, Henry and Bertie.
Q They were born at Texarkana, Texas? A They was born there.
Q The other were born in the Creek and the Cherokee nations together?A Yes sir, as well as I can tell.

By Com'r Breckinridge:
Q When was it you say you first came back to the Cherokee nation after the war? A They said it was after '66, I don't know.
Q After '66? A It was just a little before that.
Q Little before what? A Little before '66.
Q You said just now after '66?A Person is liable to make mistake now.
Q What do you mean now?A I mean before, that's what I heard, I don't know.
Q How long did you stay here before you started back to Fulton?
A When I come back then I stayed here and about here ever since.
Q You told me just now you didn't findyour people and went back to Fulton? A I stayed here a right smart while and then I went back and stayed there a good while.
Q You told me you came back here at the close of the war and didn't find yourpeople, and times were hard?A Yes sir.
Q And that then you turned around and walked back to Fulton?A Yes sir.
Q How long did you stay here before you turned around and walked back to Fulton?A I didn't stay here long, I guess I stayed here about a month or two.
Q Now that time you got here was it the first time yousawthis girl after the war?A Yes sir.
Q And when you got back here you then saw her?A Yes sir.
Q You had been down at Fulton separated from your child? A Yes sir.
Q Then when you went back to Fulton that time you took her?
A Yes sir, I did.
Q Now when she came back here from Fulton was her child William born,- where was William born?A William was born down there.

Q Born in Fulton? A Yes sir.
Q And after William was born she came to you? A Yes sir.
Q And staying awhile and then she went to have this thing in Texarkana and got married? A Yes sir, that's the time she run off from me.
Q She claims she didn't run off, she just came? A She ran off.
Q She was of age wasn't she, and had a right to go where she wanted to? A I don't know.
Q How old was Sweetman Will was born? I said she was about 18 or 19 years old.
Q Your brother I think said she was about 20? A They don't know exactly and I don't know, we don't have exactly the children's age at all, because I don't know and I cannot tell them.
Q How old was her child Will when she first brought him here?
A Like this one. (Indicating child in mother's arms.)
Q Little thing in arms? A Yes sir.
Q How long did she stay before she ran off from you and she that visit back to Texarkana? A I reckon she stayed more about two or three years, as near as I can remember.
Q And then when did you see her next, how longwas it? A It was a long time before I saw her.
Q Where did you see her next? A Second time I saw her she was down here, sir, I forget the name of the place now.
Q Some place in the Cherokee Nation? A No sir, she was in the Creek Nation.
Q Had she just come back from Texarkana? A Yes sir, she just had come back from Texarkana, and she was staying down there.
Q Down there in the Creek Nation? A Yes sir.
Q Was that at Muskogee? A No sir, it was away below Muskogee.
Q On the Railroad? A No sir, she wasn't on no railroad, out in the country.
Q That was a long time after she had left you and gone to Texarkana? A Yes sir.
Q Well now when she left that place in the Creek Nation where did she go? A She came Home then back in the Cherokee Nation.
Q How long did she stay down there at that place in the Creek Nation? A She stayed down there ~~xx~~ ~~that~~ as near as I can recollect, yes she had them two children.
Q That is Will and Henry? A Will and Henry and Bertha.
Q Was Bertha a little thing? A Yes sir, she was a baby then, and Henry he could run all about.
Q And then she came to the Cherokee Nation? A Yes sir.
Q And then ~~xxx~~ has she been living in the Cherokee Nation and the Creek Nation ever since? A Yes sir, ever since then.

Applicant, BETSY McCORMACK, re-called, and further examined, By Com'r Breckinridge:
Q You didn't tell me about your having lived at Fulton Arkansas?
A Because I didn't know anything about it.
Q You stayed there until your child Will was born? A I don't know anything about it.
Q You stayed there until you were grown young woman, yourchild Will was born there? A No sir, he wasn't.
Q Your mother said he was? A She made a mistake.

Witness, SARAH LONDON, recalled and further examined, by Com'r Breckinridge:
Q Where do you say now Will was born? A I told you where Will was born.
Q At Fulton? A Yes sir.

~~Com'r Breckinridge: This will be filed with the testimony~~

[illegible] copy of all [illegible]

[illegible] being first duly sworn states that he is stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy of the original [illegible] is a true and complete copy of stenographical testimony of Lucas Lowder and Peter Pitchlynn in cases styled [illegible] as transcribed by stenographer, [illegible].

(Signed) W. P. Green.

Subscribed and sworn to before me this August 10, 1901.

(Signed) T. B. Sealing.

Commissioner.

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W. P. Green, being first duly sworn states that he stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

Subscribed and sworn to before me this August 10th, 1901.

Commissioner.

[illegible] case of William London, [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] TESTIMONY in the matter of the enrollment of SARAH LONDON, et al., as Cherokee Freedmen, introduced on part of the Cherokee Nation

APPEARANCES:

Applicant present in person.
Mr. W. W. Hastings, for Cherokee Nation

CALVIN McCORMICK, being sworn and examined by Commissioner Breckinridge, testified as follows on behalf of Cherokee Nation:

Q What is your name? A Calvin McCormick.
Q How old are you? A About 32 years old.
Q What is your post office? A Muskogee.
Q Do you live in the Cherokee Nation or do you live in the Creek Nation? A No, sir; I live in the Creek Nation.
Q Where were you born? A I was born in Arkansas.
Q What part of Arkansas? A I was born pretty close down to Fulton, Arkansas.
Q Where did you come from to the Territory? A Fulton, Arkansas.
Q When? A Five or six years ago.
Q And before that did you live all your life about Fulton? A Yes, sir, right around Fulton.

MR. HASTINGS: Mr. McCormick, what did you give as your age, I didn't understand it? A 32 years old, I am close to 32, or 3 years old.

Q Were you ever married? A Yes, sir.
Q What was your wife's name? A Married her by the name of Bettie Rogers.
Q Did she go by the name of Rogers prior to your marriage? A That is the name she was going in when I went to see her and I married her.
Q Did you know your wife's mother? A Yes, sir.
Q What was her name? A Sarah London.
Q Where did you first know Sarah London? A I first got acquainted with her in the town of Fulton, Arkansas.
Q Was that before or after you married her daughter? A It was before.
Q How long had you known Sarah London before you married her daughter? A Well, give you as close as I possibly can, I think it must have been two or three years, or probably four, it was somewhere close to about that.
Q Where was she living when you first knew her? A She was living in Fulton.
Q Arkansas? A Yes, sir.
Q What was her husband's name? A His name was Ed London.
Q You knew her there three or four years before you married her daughter? A Yes, sir.
Q How, how long did you know her after you married her daughter? A Well, I guess it must have been somewhere about a year or two after I married her, I don't know the exact time, I guess it was close about that time.
Q Did she leave down there or you, which left first? A No, sir, she left me there, said she was going to the Terri tory, consequently she left me there.
Q What was your wife's given name? A Given name was Bettie.
Q When did she first come to the Territory? A Let's see she come here in the year they discharged the payment down here, that

Q [illegible] A Yes, sir.
Q [illegible] A [illegible] I guess.
Q [illegible] A Yes, sir, fully that long.
Q [illegible] A Yes, sir.
Q [illegible] that you were married? A No, sir, I
A [illegible]
Q [illegible] A I was married down at Fulton.
Q How old is your second child? A He is about 16 or 18 years
old.
Q You remember of hearing that child was born? A Yes, sir.
Q That was your first child? A Yes, sir.
Q Did you know the part of Sarah London's family? A Yes, sir.
Q Do you know some of the other children? A Yes, sir.
Q Name them. A She had a child named Ring London, that is a boy, and another one by the name of Billy London, he is a boy; she has got one named Tom, I think he is a boy and Tub, I think he is a boy. She has got two daughters.
Q Was Bill London the father of your wife? A No, sir.
Q That was this woman's second husband? A I don't know, that was the only husband I knowed of.
Q That was not the father of your wife? A No, sir.
Q Stepfather? A Yes, sir.
Q Was Sarah London and Ed London living down there keeping house when you knew them? A Yes, sir.
Q You remember whether or not Sarah London was there when your first child was born or no? A Yes, sir.
Q Now, I will ask you to look at this applicant here and see if that is the same Sarah London you are talking about? A This lady here (referring to applicant.)
Q Yes. A Yes, sir.

COMM'R DAUGHERTY:- You say you married your wife Bettie, daughter of this Sarah London, down at Fulton, Arkansas?
A Yes, sir.
Q That was a year or such a matter before your 18 year old child was born? A Yes, sir.
Q Then you and Bettie have been married some 19 or 20 years ago somewhere along there? A Yes, sir.
Q Where was your wife's mother living then? (No response.)
A Was she down there at Fulton when you married that daughter Bettie? A Yes, sir.
Q She was there? A Yes, sir; it seems to me like she was there.
Q How long did you and your wife live at and about Fulton?
A We have always lived there; Sarah London lives from the time we was married up until the time she came down here to this payment and then we separated.
Q Some six or seven years ago? A Yes, sir.
Q Where was your wife's mother during all that time, this woman over here? A [illegible] down there, she was there a short while as I said a while ago and then she left to come to the Territory.
Q A long time after you married? A Yes, sir.
Q And came to the Territory? A Yes, sir.
Q Have you never seen her back there from that day to this?
A No, sir.
Q What do you know about her being there at Fulton before you and your wife [illegible] A I don't know about her being out away from there [illegible] we was married.
Q Did you [illegible] your wife's mother back there before you and your wife married? A No, sir.
Q You don't remember her there before you and your wife were married? A Before we were married; yes, sir, I was acquainted with her before I and her was married.
Q When did you first see your wife's mother? A I first seen her

[illegible] continued

Q [illegible] before you married her daughter, Bettie?
A [illegible]
Q [illegible] there at Dalton from the
[illegible] when you got married? A Yes, sir.
Q [illegible] leaving there and coming to
[illegible] No, sir.
Q [illegible] there a short time after
you and your wife married? A Yes, sir.
Q [illegible] A [illegible] child's name.
Q [illegible] that she came to the Territory?
A Yes, sir, and I never saw her until I came here myself.
Q And you never saw her in the Territory? A Yes, sir.

SAMMY LEWTON, the applicant, recalled, testified as fol lows:

Q You have listened to this testimony, now if you want to ask this witness any questions you may do so? A No, sir, I don't know what to ask him.
Q Well, has he made any mistakes in what he said? A I don't know what to say.
Q You have heard him say everything, is there anything you want to correct and say where it was wrong? A No, sir, he is perfectly right, of course he married my daughter when I went down there, after I went down on the river.
Q How long did you know this man before he married your daughter, Bettie? A I knowed him I reckon about threeyears.
Q And did you live there in and about Fulton from the time you know him until he married your daughter, Bettie? A Yes, sir, lived around there at Mrs. Adams.
Q And how long was it before this man marriedyour daughter and came to the Territory? A I reckon it was about three years.
Q Just about like he says? A Yes, sir.
Q Well, now, had you been there about Fulton all the time from the time you left the Territory until you came back after your daughter Bettie married? A Yes, sir.
Q When you came back after your daughter Bettie marriedthat was the first time you came back to the Territory after you left? A Now, listen to me good, I came here first before I ever knowed this boy and got Bettie and carried her from here down there with me.
Q How long did you stay here when you got Bettie? A I never got down on the river with her until she and Nealy was grown.
Q So you had made that trip back here after you first left?
A Yes, sir, when I first left here I come back here and got this child; I left this child when I was sent off and went back there and stayed there until this girl married and then I came back here.
Q And that is all the going and coming that was done? A Yes, sir.
Q How old was Bettie when you came and get her? A I think she was about four yearsold, she was a little bit of a thing.
Q How old is Bettie now? A I could not tell you how old she is.
Q [illegible] Betsy? A Betsy was born in slavetime.
Q [illegible] Yes, sir.
Q [illegible] A Well, I can tell you when Miss [illegible] was a little girl just commencing to walk, and [illegible] Q Now, was the last time when you came back and got Betsy? A When I came and get Betsy the last time ever.
Q Well, how long before that was it Betsy was born? A I don't know how long it was, Betsy was a child, she was about that high (indicating) when I taken her away from here.
Q When you took her with you? A Yes, sir.
Q You mean about four years old? A I reckon she was.

Q When you came [illegible] first when you came out here to live, you or your [illegible]? A [illegible]
Q [illegible] A My uncle got here and stayed [illegible] before I came because [illegible] I came.
Q [illegible] Canadian district near Mr. Lowrey's and Smith's [illegible]?
A [illegible]
Q That is where you first came? A Yes, sir.

HENRY C. LOWREY, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Claimants:

Q Give me your full name, please? A Henry C. Lowrey.
Q How old are you? A 68.
Q What is your post office? A Muskogee.
Q You live in the Cherokee Nation, do you not? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A About 67 years, all my life nearly excepting the time during the war.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q You lived there all your life then except during the war?
A Yes, sir.

Mr. Breckinridge: Mr. Lowrey, did you know a colored man in Canadian district by the name of Ed London, whose wife was Sarah? A Yes, sir. I used to know him when he lived there, I don't live there now.
Q I will ask you to look at this woman and see if this is the woman?
A Yes, sir, that is Sarah London.
Q About when did you first know her husband, Ed London?
A I think about '84 or '5, along there somewhere.
Q Where did you know him and in what circumstances?
A They moved in our neighborhood, Canadian district.
Q Which came first? A The old man.
Q And about how long until his wife and family followed?
A I don't know, it may have been a year, I don't know what time he came in the spring something like a year.
Q Did you know from him where his family was? A Just what he said.
Q What did he say about it? A They said they was on the line of Arkansas and Texas, near Texarkana.
Q His family came out you say about a year after he came?
A Yes, sir.
Q That was your first acquaintance with them? A Yes, sir.
Q How long did they live in your neighborhood there? A About two years.
Q And then where did they go? A Went to Muskogee.
Q Have they lived about there since then? A Yes, sir, I have saw part of the family all the while there, especially the old man.
Q Do you know anything about his making arrangements to send for his family? A Yes, sir, that is they were talking about going after his family; he said they were coming from Texas.
Q You mean [illegible]? A Yes, sir, and he was making arrangements with his brother-in-law to go on after them; he lived with his brother-in-law right by me, and I say they lived some in mt, a mile and a half, after they first came in.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge: Now, you have heard Mr. Lowrey's testimony, do you want to ask him any questions? A No, sir.
Q Has he made any mistakes that you want to correct? A No, sir; none at all.

[illegible] being duly sworn and examined by Commissioner [illegible], testified as follows, on part of Cherokee Nation:

Q [illegible] A [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible] years.

Q [illegible] A [illegible] years, sir.

Q [illegible] You know the applicant here, Sarah London?

A [illegible]

Q [illegible] Ed London? A Yes, sir.

Q [illegible] A [illegible]

Q When did you know first, she or her husband? A Her husband

Q Where did you first see her husband? A There in Occoneechee [illegible] about two miles above Brushy Mountain.

Q What district? A Canadian.

Q There is a Occoneechee band in Canadian? A Yes, sir.

Q Well, did he have his family there then? A No sir, not when I first saw him.

Q Do you know where his family was? A He said they were down at Tenerkana.

Q Well, did you afterwards see his family? A Yes, sir.

Q About how long after you first saw him? A About a year.

Q Tenerkana, Arkansas? A Yes, sir, that is the place.

Q And about a year afterwards you saw the applicant and family?

A Yes, sir.

Q Is that the first time you ever saw the applicant? A Yes, sir.

Q How long did they live in that neighborhood by you? A They were there about two years, and they moved up to Muskogee, and they went, I think they moved in the spring and that fall they came back down there to pick cotton, down in the neighborhood there.

Q How far did they live from you when they first came up in there?

A She came to her brotherin-law's first, that is a little more than a quarter of a mile, and stayed I don't know how long to Brushy Mountain, about a mile from he and lived there about a year and the second year following from that lived right down in the hollow, six or seven hundred yards of my place.

Q You knew the family well? A Yes, sir.

Q Do you know who moved them up there? A I think it was Ed's brother maybe, but I don't recollect his name. Brought them from Muskogee though I believe.

SARAH LONDON, applicant, recalled: Com'r Breckinridge:

Q Sarah London, you have heard this testimony, do you want to ask any questions? A No, sir.

Q Maybe made any mistakes you want to correct? A No, sir

FRANK SMITH, being sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:

Q Give me your full name, please? A Frank Smith.

Q How old are you? A 46.

Q What is your post office? A Braggs.

Q How long have you been in the Cherokee Nation? A All my life.

Q Mr. Smith, you know this applicant sitting behind you, Sarah London? A Yes, sir, I see her, not very well acquainted with her.

Q Did you know her husband, Ed London? A Yes, sir.

Q When did you first see either of them and where? A I saw Ed about ten or twenty years on the Arkansas river.

Q In what district? A Canadian.

Q Did you see his family after that? A Yes, sir.

Q About how long? A About a year I guess after he came in there his family came.

Q [illegible] Did you come there? A Yes.

Q [illegible] A [illegible] year.

Q [illegible] Yes, sir.

Q Do you [illegible] the applicant, [illegible] Breckinridge? A No, sir.

J. F. Yardley, being duly sworn and examined by commissioner [illegible] testified as follows, as part of Cherokee Nation:

Q Give me your full name, please? A J. F. Yardley.

Q How old are you? A I am 78, to 78 the first day of December next.

Q What is your post office? A Fort Gibson.

Q How long have you lived in the Cherokee Nation? A 50 years last Christmas.

Q [illegible] Mr. Yardley, do you know this applicant, Sarah London? A Yes, sir.

Q Did you know her before the war? A Yes, sir.

Q Where was she living when you first knew her? A On Spa-vinaw, at Lewis Rogers.

Q In what district? A In Saline district.

Q About how long before the war was it when you first knew her? A Oh, it was several years before the war, ten or 11 years somewhere along there.

Q Are you well acquainted with Lewis Rogers? A Very well, sir.

Q Were you about his place much? A Good deal, sir, I built houses there.

Q Are you carpenter by trade? A Yes, sir.

Q Did you know Lewis Rogers' wife? A Yes, sir.

Q What was her name? A [illegible] one of them, and the other one was named Lucy.

Q Was Lewis Rogers alive when the war came up? A No, sir.

Q How long had he been dead before the war? A I do not recollect, but I think Lewis Rogers died about '59, I think so.

Q His wife survived him, lived after him? A Yes, sir.

Q Now, were you about Lewis Rogers place and his wife's place after Lewis Rogers' death? A Very often, there was a store there down a mile from there then, I was one time with the family.

Q Trading point was it? A Yes, sir.

Q Do you know whether Sarah London was there just before the war came up or not? A Well, they told me they had sold Sarah, that is what they told me.

Q Who told you? A Tom Rogers and Ellen Rogers.

Q When did they tell you that? A About '58.

Q Did they say to whom they sold her? A Man by the name of Crabtree, [illegible]

Q Do [illegible] Rogers lived? A No, sir.

Q [illegible] A No, sir, I don't remember.

Q [illegible] Rogers place frequently a few years before the war? A Yes, sir.

Q [illegible] A No, sir, I didn't see her there.

Q [illegible] you see her after the war? A Well, sir, [illegible] District, I was passing a [illegible] and [illegible] her and got over the fence.

Q Did [illegible] A Yes, sir, she said she had come [illegible] I remember right.

Q [illegible] A Yes, sir.

Q Do you [illegible] whether she went by her present name or not, London, or did you just call her Sarah? A I just called her Sarah.

there was a man there [illegible] I guess he was.
Q Did you know [illegible] A Yes, sir, and had some [illegible] I [illegible] a [illegible] Sarah.
Q Do you know [illegible] A One [illegible] two [illegible] one.

Rufus Roberts, the applicant, recalled. Cross-examined by Commissioner Crockett-Bridges, testified as follows:

Q Give your full name? A A. Le Martin.
Q How old are you? A Going on 54.
Q What is your post office? A Pennsylvania.
Q In what district do you live? A Delaware district.
Q How long have you lived in the Cherokee Nation? A All my life.
Mr. [illegible]: Did you know Lewis Rogers before the war?
A Yes, sir.
Q What relation, if any, was he to you? A He was my father-in-law, since the war I married his daughter.
Q Did you know a slave that was formerly owned by the name of Sarah?
A Yes, sir.
Q I will ask you to look at this applicant and see if you recognize her? A I don't know as I could recognize her, it has been so long since I seen her.
Q What was Lewis Rogers' wife's name? A Ellen, he had two wives at that time.
Q Well, do you know what became of Sarah? A Yes, she fell into my father's hands and he sold her.
Q Well, when did he sell her? A About '58 I reckon, I don't know just exactly the date.
Q Do you know to whom he sold her? A Yes, I think the man's name was Grabtree.
Q Do you know where Grabtree lived? A I understand he lived in Arkansas, I didn't know him personally.
Q You have never seen her since, or have you? A No, sir.
Q You have never seen her since the war? A No, sir.
COMMISSIONER CROCKETT-BRIDGES: When did you first know this woman, Sarah, how long before the war? A I guess along about '57 or '8, I knew her before the old man Rogers died, I don't know just how long it was, I don't know just how long it was.
Q You knew her some time before she came into your father's possession? A Yes, sir.
Q She did belong to Lewis Rogers did she? A Yes, sir.
Q How did your father happen to get possession of her?
A It was by division of the estate, his wife was old man Rogers' daughter.
Q Your father's wife? A Yes, sir.
Q And you knew Sarah while she was still the property of Lewis Rogers? A Yes, sir.
Q Your father sold her then very soon after he got possession of her? A Yes, sir, I think it was in '58, it may be a little longer.
Q How long did your father have possession of her?
A I don't know, it would not have been long, I think old man Rogers died in '57.
Q How far did your father live from Lewis Rogers? A At the time he died I think he lived right there, but he moved away about ten miles.
Q Did this woman leave the farm of Lewis Rogers and come over to your father's house? A Yes, sir.
Q Came and lived with your father until she was sold to Grabtree?
A Yes, sir.

[illegible], the witness, examined. Cousin Decertified.

Q Sarah, [illegible] heard the stenographer read the statement, do you want to add to or [illegible] it?

Q Was he [illegible] your husband? A Yes, sir, same.

Q Was you the person that [illegible] to this witness' father?

A Yes, sir.

Q That is correct? A Yes, sir.

Q And then he said you to contract? A Yes, sir.

Mr. Brookbridge: This will be filed as supplemental testimony in Cherokee Freedmen case D.6877, and copy of the testimony will also be filed in Cherokee Freedmen doubtful cases 622, 623, and 624.

---oo0:0oo---

J. O. Adams, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Adams

Subscribed and sworn to before me this December 9th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Sarah London et al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Sarah London, et al., | Cherokee Freedmen | D | 977 |
| Irene Mann | " | " | D 1111 |
| Ella Baxter, | " | " | D 1106 |
| Bettie McCormick et al., | " | " | D 636 |
| Miner London | " | " | D 640 |
| William London | " | " | D 664 |

DECISION.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sarah London for herself and minor children, Lewi and Sam London, and adult daughter, Irene Mann; by Ella Baxter for herself; by Bettie McCormick for herself and minor children, Henry, Bertha, Clara, Mattie, Helena, O. D. and Dewey McCormick, and for her adult son, William Rogers; by Miner London for himself; and by William London for himself.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Sarah London and her two daughters, the applicants Ella Baxter and Bettie McCormick, were born prior to 1861; that neither of the said applicants, Sarah London or Ella Baxter, were the slaves of a Cherokee citizen, nor were they free colored persons residing in the Cherokee Country at the commencement of the rebellion; that the applicant, Bettie McCormick, was the slave of a Cherokee citizen at the commencement of the rebellion, and continuously lived in the Cherokee Nation from birth till something during the year immediately following the close of the war, when she was taken by her mother to her home in Fulton, Arkansas, where she later married a citizen of that state and continuously lived till the year 1896, when she returned to the Indian Territory, and has since resided at Muskogee.

Section 11, Article 2, Cherokee Constitution, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease, . . . . . ."

The evidence further shows that the applicants, Levi and Ham London, Irene Mann and Minor and William London, were born since 1866, are children of the applicant, Sarah London, and possess no rights to enrollment as Cherokee freedmen, other than as her descendants, and that the applicants, Henry, Bertha, Clara, Hattie, Helena, O. D. and Dewey McCormick, and William Rogers, are children of the applicant, Rettie McCormick, were born since she forfeited her rights to citizenship in the Cherokee Nation, and possess no rights to enrollment as Cherokee freedmen, other than as descendants of their said mother.

Neither the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Sarah London, Levi London, Ham London, Irene Mann, Ella Baxter, Rettie McCormick, Henry McCormick, Bertha McCormick, Clara McCormick, Hattie McCormick, Helena McCormick, O. D. McCormick, Dewey McCormick, William Rogers, Minor London and William London, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 19 1906

Cherokee
F D 604

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1906.

William London,

Kansas City, Kansas.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorney, W. M. Gravens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-93.
GEL

REGISTER.

Cherokee
F B 577 et al.

Muskogee, Indian Territory, February 19, 1906.

W. M. Cravens,

Attorney for Sarah London, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the applicationsfor the enrollment of Sarah London and her children, Levi and Ben London; Bettie McCormick and her children, Henry, Bertha, Clara, Hattie, Helena, O. D., and Dewey McCormick, and William Rogers; Miner London; and William London, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in these cases.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED:

Wm O Beall

Acting Commissioner.

Incl. 5L-94.
GEL

Cherokee
P D 877 et al.

Muskogee, Indian Territory, February 19, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Sarah Lowden, et al., Irene Hynn, Nila Baxter, Bettie McCormick, et al., Winer Lowden, and William Lowden, as Cherokee freedmen.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED: Wm. O. Beale
Acting Commissioner.

Incl. 61-96.
GMM.

Muskogee, Indian Territory, February 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Sarah Lowden for herself and minor children, Levi and Ben Lowden; Irene Mann for herself; Nila Porter for herself; Nettie McCormick for herself and children, Henry, Bertha, Clara, Hattie, Helena, O. D., and Dewey McCormick, and William Rogers; Minor Lowden for himself; and William Lowden for himself, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1904, rejecting said applications.

Respectfully,

(SIGNED) Wm. O. Beall
Acting Commissioner.

Incl. 57-97.
GM.

Through the Commissioner
of Indian Affairs.

Land
Allotting
Bill
Docket

(Copy)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 9, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 19, 1906, transmitting the record relative to the application of Sarah London, et al., for enrollment as Cherokee freedmen.

On May 11, 1900, Sarah London applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her children, Levi and Wam London and Irene Mann, as Cherokee freedmen.

Bettie McCormick applied for such enrollment for herself and her children, Henry, Bertha, Clara, Hattie, Helena, C.D. and Dewey McCormick, and William Rogers, Nila Baxter, Miner and William London applied for such enrollment for themselves. These cases were consolidated.

On February 19, 1906, the Commissioner held that the applicants were not entitled to be enrolled as Cherokee freedmen.

The briefs of W. M. Cravens, attorney for the applicant, Bettie McCormick, and her children, and of W. W. Hastings, attorney for the Cherokee Nation, filed July 5, 1906, and July 28, 1906, respectively, have been received and considered.

The evidence shows that neither Nila Baxter nor Sarah

London, who were born in 1866, were slaves of Cherokee citizens or free colored persons, within the provisions of Article 9 of the Treaty of 1866.

The applicants, Levi, Wm, Minor, and William London, and Irene Mann, possess no right to be enrolled as Cherokee freedmen other than that derived from their mother, Sarah London.

The evidence further shows that the applicant, Nettie McCormick, has expatriated herself by moving her effects out of the Cherokee Nation, in view of the provisions of Section 2, Article 1, of the Cherokee Constitution. Her children, Henry, Bertha, Clara, Nettie, Helena, O.D. and Dewey McCormick, and William Rogers, possess no right to be enrolled as Cherokee freedmen not possessed by their mother.

The decision of the Commissioner adverse to the applicants recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMD—RD

D.C.2016-1907.

DEPARTMENT OF THE INTERIOR

I.T.D.2nd 1907. WASHINGTON.

LRS.

January 11, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 19, 1906, the Acting Commissioner transmitted the record in the matter of the applications for the enrollment of Sarah London for herself and minor children, Levi and Ella London; Irene Mann for herself; Nila Baxter for herself; Nettie McCormick for herself and children, Henry, Bertha, Clara, Nettie, Helena, O.D., and Dewey McCormick , and William Rogers; Minor London for himself, and William London for himself, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 64880-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 8 to Ind. Off.

Shanghai P.
D-664

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 21, 1907.

William London,

Kansas City, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 12, 1907.

Respectfully,

JMM

Commissioner.

Cherokee P.
D-677 et al.

Muskogee, Indian Territory, January 21, 1907.

W. H. Cropper,

Attorney for Sarah Loudon, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, denying the applications for enrollment of Sarah Loudon, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 12, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.R-12
JMM

Commissioner.

Cherokee D.
D-697 et al.

Muskogee, Indian Territory, February 22, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1906, denying the application for enrollment of Sarah Lenoon, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 18, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-13
JMM

Commissioner.

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Department of the Interior.
Penalty for private use $300.

Mr. William London,
Kansas City, Kansas.

MUSKOGEE, IND. T.
MAR 27 1906
REG. DIV.

KANS. CITY, KANSAS
FEB 21 1906
REG DIV.

William London,
Kansas City, Kansas.

MUSKOGEE
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Department of the Interior

Cher Fr R 965
Trans. from Cher Fr D656

Cher Fr R 965

Ballotte & Smith for applicant
S. V. Hastings for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes
Chelsea, I. T. June 16th 1902.

In the Matter of the application of John Martin for the enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. John Martin.
Q How old are you? A. 32.
Q What is your post office address? A Chelsea.
Q In what district do you live? A. Geoweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.

By Mr. Smith-

Q Who is your father? A. Lewis Martin.
Q Who is your mother? A. Sarah Martin.
Q Is the Lewis Martin, your father, the same one who applied some time ago to this Commission for enrollment? A. Yes sir.
Q Are you related in any way to Payton Martin? A. He is my uncle.
Q Were you or were you not present when the testimony was taken in the case of Lewis Martin? A Yes sir.
Q Was that your fathers case? A. Yes sir.
Q Have you any brothers? A. Yes sir.
Q What are their names? A. Will, Al, George, Ernest and Fred.
Q Where do you live now? A. Two and a half miles from there in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation ? A Biggest part of my life.
Q Are you on any roll? A. Yes sir the Kern Clifton roll.

The Kern Clifton roll examined and applicant found as follows:
Page 188, No 3818, John Martin, Geoweescoowee district.

The Wallace roll examined and the applicant identified as follows:
Page 151 No. 2745, John Martin, Geoweescoowee district.

By Hastings:

Q You say your father is named Lewis Martin? A. Yes sir.
Q Your father came back here from Kansas the time the Wallace roll was made didn't he? A. He came before that.
Q How long has it been then? A. I cant tell you.
Q You were ben in Kansas? A Yes sir I suppose I was.
Q Are you the eldest child? A. No sir..
Q Who is? A. Will.
Q Was he born in Kansas? A. I dont know.
Q Who is the next youngest child your father had to you? A. George.
Q Is he next to you? A. Yes sir.
Q Was George born in Kansas? A. I dont know, cant say where any of them were born.
Q Never heard your father say? A. No sir.
Q Who was the second younger than you? A. Fred.
Q You dont know where he was born either? A. No sir.
Q I believe you gave in your age as 32? A Yes sir.
Q What did you say your mothers name was? A. Sarah.
Q When did you come to the Cherokee Nation the first time? A. I just cannot tell you nothing about it, I was too young to know.

Q Did you go back to Kansas after you first came? A. I suppose I did.
Q When did you come the last time? A. I went back after I came the last time.
Q Generally where were you when I were first old enough to remember anything? A. On Prior creek.
Q Where? A. With aunt Fanny Martin.
Q You remember when she lived on Prior creek? A. Just can remember it
Q How old was you? A. I dont know.
Q Then you went to Kansas from there? A. I suppose so, mother said so.
Q What place in Kansas? A. Ottawa
Q With your father and mother? A. My father didn't go.
Q Did your mother take you up there? A. Yes sir.
Q How long did you stay in Ottawa? A. I dont know.
Q What is your best judgement?? A. I think 5 or 6 months.
Q Were your mother and father separated? A No sir.
Q Did you come back to the Cherokee Nation from Ottawa? A. I dont know if they brought be back.
Q When you were about 12 years old where were you? A. I remember being at Dave Martins and Millie Wilsons.
Q On Big Creek? A. Near Coffeyville, I dont think it was on Big creek
Q Where did you go from there? A To Kansas.
Q What place? A. Paola.
Q How long did you stay there? A. Went to school there eight months.
Q Where did you go from there? A. Came here.
Q Where about here? A. Vinita.
Q How long did you live at Vinita? A. I dont know exactly.
Q About how long? A. Two or three years.
Q Where did you go then? A. Went from there back to Kansas.
Q What place? A. Fort Scott.
Q Where was your mother then? A. She was here.
Q Were you ever married? A. Yes sir.
Q Where did you marry? A. At Vinita.
Q What year? A. About 12 years ago.
Q How long did you live with your wife? A. About ten years.
Q Ever since you married her? A. Yes sir.
Q How long did you lived in Vinita? A. 24 hours, with her.
Q Where did you next bring her? A. Here to Chelsea.
Q Have you been living with her here ever since? A. Yes sir.
Q Your mother is a state raised woman? A. Yes sir.
Q Do you know in what year your father and mother were married? A. No I dont.
Q Never heard them say? A. No sir.

By Smith?

Q Where do your mother and father live? A. 2 and a half miles from here in the Cherokee Nation.
Q How long have they been living together as man and wife? A. I dont know, I guess ever since they married.
Q How many children have they had? A. Five or six, one dead.
Q Are they living together now? A. Yes sir.
Q The place on Prior creek that you speak of, where is that? A. , 6, 7 or 8 miles from here
Q And the place near Coffeyville that you spoke of is that in Kansas or in theCherokee Nation? A. In the Cherokee Nation.

By Court Needles,

John Martin applies for himself; he is not found on the 1880 authenticated roll or the census roll of 1896, but is duly identified on the Keem Clifton and Wallace rolls according

Martin G.

to the page and number of the rolls as indicated in the tabulation; he making satisfactory proof as to residence, and as to his citizenship reference is made to the testimony taken in the case of his father, Lewis Martin who has been listed for enrollment as a full blood, and a copy thereof will be filed with the application of her and made a part hereof. The said John Martin will be listed for enrollment as a freedman as a descendant of the freedman consideration of the tribunal and he will be enrolled by said tribe the final decision to control etc.

* * * * * * * * * * *

Then, yet voice, being asked either that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Stenographer.

Subscribed and sworn to before me this the 2nd day of June, 1908 at Muskogee, I. T.

Commissioner.

CHICKASAW NEW LAND ENTRY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 10 1901

ACTING CHAIRMAN

File with Cherokee Freedman D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A No, I am about 44 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Coweseecowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Her in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Chero kee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
Q Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 12 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why don't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you ever lived together as husband and wife over since 1880? A [illegible] out.

Q Was she in your office? A I think, as well as I can remember, she is about 20 years old.

Q What District were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Cooweescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 2916, Cooweescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 2918, Cooweescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 151, No. 2748, Cooweescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew K had been there, and didn't go.

Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty?

A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Was that your object then in coming back in '66? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldn't be counted against you? A That is what I thought.

Q How come it when you came to enroll in 1896 you didn't go on up to be enrolled, when somebody mentioned you had been in Kansas?

A Well, I told you one reason I didn't go: I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much. I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1896? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880?

A I didn't have any established home; I was working around living along with my people, with my brothers wife, Julia. I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The same they were making the roll down here they were that same up in Kansas? A No, sir, they weren't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake somehow or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there: when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept on improvements up there, the claim.

Q That part of Pryor Creek? A I can't tell you; close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 20 or 25 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Pryor Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita? A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Moses Riley before that, they are relations of mine, I stayed with them.

Q Where did Moses Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, home out there, no, sir.

Q Where did you live before you went to Moses Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martin's on Big Creek, and another cousin of mine called Mollie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I cant tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '86 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '86? A Yes, sir.

Q How do you know when you get back to Kansas? A When I come to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names; what is the name of the oldest one?

A My oldest one is named John.

Q How old is John? A I don't know just exactly, I can't tell, he is completing 14 thirty.

Q What is the name of the next child? A George.

Q How old is George? A George I think is twenty something too.

Q The next child? A Fred.

Q How old is Fred? A He is 24 or 26, I just can't remember. Their ages, I haven't got them down.

Q What is the next child after Fred? A Albert.

Q How old is Albert? A He is about 21 years old.

Q What is the next child? A He is about 18.

Q What is his name, Ernest? A Yes, sir.

Q That is the child you are supporting now? A Yes, sir.

Q Where was John born? A Born was born in Kansas.

Q Where was George born? A In Kansas.

Q Where was Fred born? A In Kansas.

Q Where was Albert born? A In Kansas.

Q Where was Ernest born? A Out here near Chelsea.

Q Are you keeping house in the Cherokee Nation now? A Yes, sir.

Q Where is your house? A My house is out about three miles north of Chelsea.

Q How long have you lived there? A 13 or 14 years, as well as I can recollect.

Q Been living there in that one house? A Yes, sir.

Q Did you ever keep house before that? A No, not always.

Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.

Q Have you any children of your own I mean, you and this wife?

A Yes, sir, I had one.

Q That one is dead? A Yes, sir.

Q What was the name of that child? A She was named Eliza.

Q How old would she be if she was living now? A I can't tell you, she was born before the war.

Q She was older than John? A Yes, sir.

Q Where was she born? A She was born here in the Territory before the war.

Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.

Q Is she the child of this woman Sarah? A No, sir.

Q Child of another woman? A Yes, sir, she is dead.

Q That is the first wife you had? A Yes, sir.

Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have. I brought all my things here in '68, I never had nothing, and left them up on Spring Creek and never got them.

Q Was your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.

Q To Kansas? A Yes, sir, her mother lived there.

Q Sometimes you would take her? A No, I never took her myself many a time.

Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.

Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.

Q Well do it? A Well, I will tell you.

Q Give me the names of the places and the times you have lived at these places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of those biggest children has stayed with their mother,

Cherokee Freedmen, the biggest part of the time.

Q I am talking about you now? A Well maybe I was here working around and somewhere I would work up there in Kansas I would work somewhere two months or three months and I would come down here.

Q Have you had any settled abiding place at all? A No, sir, not a year at a time.

Q Have you not been stationed at one place for several years?

A No, sir, not since 1880, no up till 1880, no, sir.

Q Not been staying as much as one year at a place? A Yes, I have stayed as much as a year.

Q How many times have you stayed at some place as much as one year?

A Many a time but once.

Q When was that? A I can't tell you the year at all, it has been some time ago.

Q Was it before 1880? A I think it was as well as I can remember.

Q What working from pillar to post? A What worked where I could get a job.

Q And your wife not going around on these little trips with you?

A No, sir.

Q Did you ever vote up there in Kansas? A No, sir.

Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.

Q Who is there here? A Tobe Bean.

TOBE BEAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Tobe Bean.

Q How old are you? A About 48 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Been living here all my life.

Q Do you know this applicant here, Lewis Martin? A Yes, sir.

Q How long have you known him? A Been knowing him, forty or fifty years I guess, we were boys together.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Sarah.

Q Was this man ever married except to this woman? A Yes, sir.

Q How many times? A Once is all I know of.

Q Was that wife dead when he married this women? A Yes, sir.

Q About how long have he and this woman Sarah been married?

A Must be thirty some odd years I guess.

Q Have they been living together ever since as husband and wife?

A Yes, sir, to my knowing.

Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.

Q Where is she at that time? A She is up on Panther Creek.

Q How long has she been living out there? A I don't know how long she has been living there.

Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.

Q Has she been living there long? A Yes, sir.

Q Is she keeping house out there? A Yes, sir.

Q Who lives there with her? A Mr. Martin here and his family lives there.

Q Any children living there with them? A Yes, sir.

Q You don't know how long they have been living out there?

A No, sir, I don't know exactly.

Q You think that is twenty miles or some such matter from Vinita?

A Yes, sir.

Q Have they been living there as much as five years? A Yes, sir, longer than that I guess.

Q Have you been living there at Vinita all [illegible] A Yes, sir.
Q [illegible] seems to be our best witness I know, I don't know exactly when he moved there? I live out about here and he lives about two miles.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing been this man Lewis Martin, off along for the last twenty years? Seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece and I go to see him pretty often.

Q What do you know about his doings since from '66 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he MAY live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '66 or '68, since the war closed? A Out on Pryor Creek I reckon, but he lived a good piece from me, I havent been keeping the run of him: I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek. I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before I moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your applicantion. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Dawes roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1890. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or five years ago. The applicant states that he was also married, but this former wife was dead when he married his present wife, and that this present wife was first married about 10 years ago. They are married in the State of Kansas. For the further consideration of her rights, she will not be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Ruford Martin, said to be 12 years of age, and now living, is identified on the Intermarriage roll, but not upon the census roll of 1896. This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

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Supplemental Testimony | Mellette & Smith for applicant
To be filed with C.N.D 288 | W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WESS VANN, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q Who is your name? A George Wess Vann.
Q Where do you live? A On Verdigris river, Coweescoowee district.
Q In the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know Lewis Martin? A Yes, sir.
Q How far does he live from Chelsea? A I guess about three miles.
Q About how long has he lived there? A I don't know how long.
Q How long have you known of his having lived there? A Since about '92 I think.
Q Were you asked to testify in his case at Vinita? A Yes sir.
Q Did you go there for that purpose? A Yes sir but he never went into the tent to apply while I was there, I was on the jury as court and had to go back to court.
Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '86.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q When was that? A In '86.
Q Was this man Lewis Martin one of the parties that was with you?
A Yes, sir, at that Horse Creek battle.
Q What do you mean by the "Horse Creek battle?" A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I don't know, the all run off.
Q Where was that fight? A On Horse Creek, in the Cherokee Nation.
Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.
Q Where? A Spring Creek.

Q How long did it take you to go from Spring Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did you stay at your place? A Back or two.

Q Where did he go from there? A He said he went to Kansas. I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The last time you saw him was when? A The next time I saw him was out here in '70.

Q Where was that? A On the Verdigris.

Q Where has he been since that? A I have seen him in ccccccccccc district off and on since.

Q Near what place? A Chelsea.

By W.W.Hastings for the Cherokee Nation:

Q How old are you? A 81 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my uncle Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin county, near Osceotoway.

Q Who did you say come back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Gloria Cheuteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Robie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jesse Vann, there was a colored fellow Creek fellow along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q Zbout what part of Horse creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Weise, being sworn, stat s that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 12th of June, 1901, at

mlbo

Chicago, I. T.

Filed, T. D. Boulton,
Commissioner.

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Bryan S. Jones, being duly sworn, says that at stenographer to the commission at the five civilized tribes he copied the foregoing and that the same is a true and correct copy from the original.

Subscribed to and subscribed before me this the 22nd of August, 1901.

Commissioner.

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Q You [illegible] district? A Yes, sir.
Q You have been [illegible] Yes, sir.
Q Been Shortly of your [illegible] A Shortly one time and another two times.

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Mr. Martinez: I desire to offer this testimony in the matter been case, D-212; Joseph Been, D-215, Lucy Been, D-220; Lewis Martin, D-229; and Fannie Wright, D-207.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this the 22 12th of August, 1921.

[illegible]

Commissioner.

R

File with Cherokee Freedmen, D. [illegible]

[illegible] of the Testimony
[illegible] on the Rolls [illegible] Tribe
[illegible], I. T., from [illegible], 1894.

In the matter of the application of [illegible] for enrollment as Cherokee Freedman.

[illegible]
Wallace & [illegible], attorneys for applicants
W. W. Hastings, for protest for Cherokee Nation.

JOHN COCHRAN, being duly sworn by Commissioner Beadle, testified as follows.

Mr. Hastings: What is your name? A John Cochran.
Q What is your age? A About 38.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob Daniels Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him, then? A No, sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vittetoe.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.
Q Of what year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand River?
A [illegible]
Q [illegible] and you heard of any fight here upon any [illegible]
Mr. Wallace: I object to the question as not material in this case. It is not [illegible].
Mr. Hastings: It is a preliminary that suggestively might be material.
Mr. Wallace: I don't think that is a material question.
Q Did you hear of any? A Only that heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I came down to Salem Creek to the church, a man by the name of Neal was at the lodge there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You haven't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Dean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Tryo and Mikie Tryo when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Dean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Dean over there in that year? A I don't remember whether I did or not.
Mr. Mallette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 12 miles.
Q Were you well acquainted up in that country? A I was, yes, sir.

Q By where that house stood? A Yes, sir.
Q Where place was that? A It was down on the Gilliff place, it was vacant though.
Q How often how you had up in that country? A Well, I can't tell you just how often I did.
Q I just want to know how often you had been up in that country?
A I had been in that place three times that year.
Q Do you remember every place, do you remember any in years afterwards every place that was vacant at that time? A Yes, sir, I do.
Q You can remember now every place that you passed by in the that was vacant at that time? A Yes, sir, there wasn't but one old place between there, except at the Bob Lightner place, that was the only place there was there.
Q You just passed by those places in question? A Yes, sir.
Q Came right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father, when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on: is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you: A In December, as I said, about the 10th or 15th.
Q You remember now it was the 10th of 15th of December? A Yes, sir.
Q How do you ~~mean~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November.
Q When did you have your attention called to this time before this; never thought of this till when this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton court.
Q You never thought about it then till the Clifton court? A They told me I was subpoenaed on that.
Q The Clifton court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified to the same facts before the Dillard court you testify to now? A Yes, sir, as near as I can remember.

Q What do you have still in it, do you think you gave the same testimony then you do now, or is the

Q Mr. Rowe somewhere around Al Lynch getting shot, this colored man, do think of the Cherokee Nation? A Yes, sir, I knew just about what time, I didn't think of it.

Q What year was it? A It was in '66.

Q You are certain of that? A Yes, sir, I let him have the whisk-er to get drink out.

Q Well now pay close it was in a '66 that Rowe began shot Al Lynch do you, Rowe Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I didn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Rowe Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q Did didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Didn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You didn't mentioned it down there at all: you knew where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court Judges.

Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A. 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Honey Creek.

Q What district is that in? A Delaware District.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at that time? A Yes, there was I guess two killed there, I heard there was three, I don't know.

Q Who were they? A There was Joe, I don't know. That is only hearsay, I was not there to see them killed at, but I didn't see the corpse.

Q Did you see the shooting? A Yes, sir, had most of it, the first two or three guns I didn't see.

Q How many people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time. I don't know whether there had ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of those parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lee Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1847, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Wright, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road ran right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

[illegible] heard in 'em, and that he was the fellow that is that night in '66, and he told I remembered that if he was shot in '66 he was a [illegible] man from the one shot in that night.

Q That is every word I thought, it was Tom Bean, the officers?

A Yes, sir. I think that is the reason, I didn't know. I only had a word or one at the time. I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him. I could have pinned him out.

Mr. Hastings: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The men I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Why did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored man up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chelsea, Tarpey? A About four miles.
Q What direction from Russell Creek? A We lived on Horse Creek
Q Well, where did you go to that fall? A Moved to the mouth of Horse Creek.
Q Where were your living at 'em? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the Knight boys? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Pratt, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time? A About four miles.
Mr. Ballotte. Now Mr. Pratt, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any more particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come? come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly so I can name the month.
Q How long did you stay up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Were They were troops come from Van Buren did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You saw the troops all right, did you? A I did.

Q How many? A Looked to me like about 40 or 50.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first hear about this fight, that it was in '67 that that fight occurred? When was that first called to your attention Mr. Trotter since this Freedmen's Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention: when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept it in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir; '63 I meant to say.

Q The winter of '63; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '66? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in: isn't that true? A The other hasn't been quite so long.

Q There has been about three years difference.

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[illegible]

J. T. CLARK, being duly sworn by Commissioner [illegible], testified as follows:

Mr. Hastings: What is your name? A J. T. Clarke.

Q How old are you? A My birthday, I will be 64.

Q A citizen of the Chickasaw Nation by blood? A Yes, sir.

Q You lived in the Chickasaw Nation before the war? A All my life.

Q You went in the army, were you? A I was in a Northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1867? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river, the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis Mhangal place on the north side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reported the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incidant?

A I was living in the Six Mile bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about what fight of your own knowledge it was? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

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T. J. [illegible], being duly sworn by Commissioner Dodge, testified as follows:

Mr. Wallace: What is your name? A T. J. Bourne.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 68.

Q Where did you live before the war? A Lived on the line of the Cherokee and the Delaware line of the Cherokee Nation, near the Osage Lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boser place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Kitchen prairie? A It is about, I would think about 15 or 16 miles, 15 or 16.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boser Place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boser place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

Let me explain. We lived right on the same place with Joel Bonnet, on the same farm, he was a Major General, or something, in the Confederate army. We came here during the summer, I think in June, and took his farm and started to cut stalks, and then we went out away in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '44, I was 13 I believe in '60.

Q About 13 years old? A About 13 in '66 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Bonnet place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Grand Saline place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And than you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 38 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 38 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told me about this fight, did you hear of this fight up here and a lot of these people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red faces" fellows.

Q You remember 38 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyway? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Bonnet place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Filed with Cherokee Freedmen.

D-208, Jean Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Lewis Martin et al. for enrollment as Cherokee freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances.
Mallett & Smith, attorneys for the applicant;
T. M. Hastings, of counsel for Cherokee Nation.

Lewis VANN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give us your full name? A Lewis Vann.

Q How old are you? A I can't tell my age at all.

Q Well, are you up to 65 or 70? A Well I can just guess at it, but then that would not be correct, but I think I am somewhere along about '60 or '75, I don't know.

Q What is your postoffice? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Vann? A I lived right on the Grand River close to Choouteau Station, raised there.

Q Did you know a colored man before the war, by the name of Lewis Martin? A Well, I heard of his name but I knew his parents all right, his father and mother, but than to say well acquainted with him, I never got real acquainted with him till he came up here to Kansas.

Q You don't mean here to Vinita? A No, sir, up in Kansas I am acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was Harry.

Q What was his mother's name? A Celia.

Q Well that is the man I want to talk about; when did you know him in Kansas? A Well now there is something that I don't know right exactly, but I knowed him ever since I was here in Kansas, and I have been up in Kansas ever since '68, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was living with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what he was doing right then, but he learned the blacksmith trade then after that; I can't say right then, but he learned the trade of a blacksmith.

Q What place in Kansas was that? A It was just right above, about a mile from Mapleton I reckon, I don't suppose it would be any farther than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when he left there at all; he bought a place there right close, not very far from Mapleton, and he raised one crop on it and he sold it out and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right there not far from Mapleton, I knew the folks, the woman's father and mother, well the mother anyhow, I knew her well after he married her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw him there once after that.

Q Well about how long after that? A Now sir that I can't tell

How long it was that I saw him there.

Q Was your son married? A My son was married then.

Q Where did he live? A He was living with me when he got married, and then he moved to his place, and he wasn't there very long because his wife got sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I went after her, and I went up there and I went over to his house.

Q Went to his house? A Went to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q And he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, farming.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q You know how old he is? A That is something I don't know the age of nobody, I can kinder guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I didn't seek his since he was just about so high (indicating) and came off here to the Nation.

Q You don't have no idea when the child was born; as much as 12 years old? A Well, he may be somewhere along 13 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; what is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more few all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that, I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

[illegible]

A [illegible] on. [illegible] A I [illegible] Q [illegible] A Yes, sir, first time I saw Lewis Martin. Q Have you any idea when Lewis Martin left the Indian Nation? A No, I don't know a thing about it, only he was gone that fall.

Q Was there you living at the time? A I was living up there on Timber Hill, Muskogee County.

Q Lewis? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you knew that after this Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '90.

Q Where did you go from? A Went from the Cherokee Nation went from down here at Chouteau Station.

Q There wasn't any Chouteau Station there in '90? A No, sir, it has been put there since. I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1890? A No, sir, I don't know the meaning of that '90 any more as a sucking baby. I don't know the meaning of that when that man told me that I came here in '62, that is how come I say I came here in '62; he said I come here in '61 because I came here a soldier.

Q Where were you living in 1892? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '92 when this man said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q How do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war on after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed? A Well, when the war was closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself. Do you know where he was when the war closed? A I didn't say I knew right at all, but I know he was living there when I came, when I was living there he was living there too, it must have been until the war was going on that he lived there, but after that I know he moved there and went up to Ottawa you know.

Q Do you know when he came up to the fall of '92? A No, sir, it isn't any more than [illegible] about '62, not with more than a [illegible]

Q Do you know where he was during the year after the war closed? A I didn't tell you that [illegible]

Q Don't know? A [illegible]

Q You know anything about [illegible] whether he got into a fight or killing scrape down here in the Cherokee Nation shortly after the war? A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you come down here at the Wallace Court, where was

[illegible] Lewis Martin, [illegible] Mapleton Office, here and there? A [illegible] I [illegible] a mile, maybe, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Q [illegible] a mile from Mapleton? A [illegible] I think it was over a mile, it might have been [illegible] but it wasn't very far.

Q Did you go [illegible] to his place? A Yes, sir, I went out to his place.

Q How did you go, [illegible] or walk? A I think I went in the wagon; I think, I don't know for certain; I don't [illegible] but I went there all right, went right to his house.

Q You don't know how many different places Lewis Martin has lived in the Mapleton Office, do you? A Well, I don't know of his living at but that one place and then when he left here he went out and bought a place, [illegible] went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

P. D. Myrick, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A P. D. Myrick.

Q How old are you? A I am 64 years old.

Q What is your Post Office? A Mapleton.

Q Kansas? A Yes, sir.

Q Been living in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I mean that a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '63 and '64.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course I was well acquainted with his wife but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa; that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you mean that that was five or six years -- A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa; he and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And then you got him five or six years after that after he went to Ottawa? A Yes, sir.

Q Did he tell you he had living there at that time? A At Ottawa.

Q Did you ever see him after that? A No, sir, not as I know of.

Q Was he at Lexington? A Yes, sir.

Q Did you see him from Lexington any time, any between '72 and '77? A Yes, sir.

Q Where were you? A I was in the Army Engineers.

Q In your capacity Lexington? A Lexington, Colo.

Q What is what I want to know, do identify him? A Yes, sir, I was well acquainted with him for a number of years.

Q Where did you see him five or six years after he left Washington that you speak of? A I saw him between my house and Washington and just saw him on the road and rarely stopped him and asked him these two questions, I don't know what, in regard to where he was. He was kind of a stranger then you know. He told me he was living at Ottawa.

Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.

Q You are not positive of that? A No, I wouldn't be positive.

Q Did you ever see him after that? A No, sir, I never saw him after that.

Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.

Q What were you doing, Mr. Myrick, along the closing years of the war? A Why, I was running a mill there and was making flour for the government, I was chopping the government wood, and I ran a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lexington.

Q And Will Martin was Lewis Martin's brother and lived with him?

A Yes, sir.

Q What was Will Martin's wife named? A Mattie.

Mr. Smith: Mr. Myrick, I believe you stated it was in '69 or '4 that this man was working for you? A Yes, along about that time.

Q Well, where was he in '65? A I wouldn't be positive where he was, to the best of my knowledge he was around Lexington there or had gone to Ottawa. I wouldn't be positive.

Q Well you don't know then where he was in '65? A No, I can't say where he was in '65.

Q Where was he in '66? A I don't know, sir.

Q You know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q About what year was it that you last saw Lewis Martin? A That I saw him last, last saw him?

Q Last say him at all? A After I was met him coming from Ottawa, or it must have been five or six years afterwards.

Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.

Q You haven't seen him in that country since? A No, sir.

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Henry Myrick, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Smith Myrick.

Q What is your age? A I am going on 81.

Q Where do you live? A Ottawa.

Q Kansas? A Yes, sir.

Q How long have you been living at Ottawa, Kansas? Q Went there in '87 last.

Q Did you know a colored man by the name of Lewis Martin? A Yes, sir.

Q Where did you know him? A In Ottawa.

Q When did you first become acquainted with him, first see him there? A In '67.

Q What place did you go to college to '67? A Lane University.

Q Did you always live there in Ottawa before you saw this man? A Well to my mind, I am not certain which was it was about in 1867.

Q About time after you went there? A Yes, sir.

Q Mr. Smith, do you know his wife? A Yes, sir.

Q What was her name? A Sarah.

Q Do you know any of his children? A Yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and Bessie.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I knew him four or five years there. Maybe longer, I don't know exactly the time that I did know him, I don't just answer to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't.

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I don't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since. I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away part of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Smith: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was along from '67 up for four or five years after '67?

A Yes, it was after '67.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Commissioner: You say you first saw this man in '67? A Yes, sir.

Q Where did you live in '68? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q State of Kansas? A Yes, sir.

Q You know where Martin was in '68? A No, I don't know where he was in '68.

Q What brings it to your mind that it was '67 that you saw him?

Because I moved to Ottawa in '67.

You know that? A Yes, sir, and there is where I saw him.

Q Was [illegible] A Yes. I remember [illegible], yes.
Q [illegible] A [illegible]
Q [illegible] A Yes, sir.
[illegible] A [illegible] I don't know whether you [illegible] Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q Living there now? A Yes, I am at home that is right there [illegible] here.
Q Your family there? A My family is all dead; well I have no family of my own now.
Q [illegible] A [illegible]
Q What year was it closed? A [illegible]
Q How long before the war closed before you went to Ottawa?
A [illegible]
Q I want to know how long that was after the war closed? A After it closed, why two years.

E. J. Keesing, being duly sworn by Commissioner Beedles, testified as follows:

Mr. Keesing, what is your name? A E. J. Keesing.
Q What is your age? A I am 81 years old.
Q What is your occupation? A Mapleton.
Q Kansas? A Mapleton, Kansas, yes, sir.
Q How long have you lived there, Mr. Keesing? A I have lived there since I have been here about 40 years.
Q Is you much a colored man by the name if Lewis Martin? A I did.
Q Where did you know him? A In Mapleton, Kansas.
Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.
Q Do you know where he came from up to Mapleton? A I do not.
Q You never heard him say? A Never heard him say.
Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back to there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
Q Do you know about what year he came there to Mapleton? A It must have been about '78, something like that, along there.
Q About how long did he stay there? A Well, when he came back there I am pretty positive it was in '78 and in '79 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that. I don't remember whether he was there when I came back or not.
Q When did you come back? A I came back that fall and winter, winter of '79.
Q Did you know Martin's wife? A Yes, sir.
Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.
Q Did you know his brother? A Will?
Q That is what I am trying to find out? A Yes, I think there was another Martin besides Will Martin, said they were brothers.
Q What was Will Martin's profession? A Blacksmithing.
Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.
Q Did you ever know Lewis Martin before you knew him when he came there in '78? A No, sir.
Q Well, was his family with him when you knew him there in '78?
A Yes, sir, she lived right in town.
Q He worked in a blacksmith shop? A Yes, sir, him and his brother

[illegible] there is here.

Q You haven't got the place? A I have not.

Mr. Smith: Mr. [illegible], you don't know where he came from when he came to Mapleton, did you? A No, sir.

Q You don't know anything in his past, living before he came there?

A No, sir.

[illegible], being duly sworn by Commissioner Beeler, testified as follows:

Mr. [illegible]: What is your name? A John Price.

Q What is your age, Mr. [illegible]? A 54.

Q Where do you live? A Mapleton.

Q Kansas? A Montgomery County, Yes, sir.

Q How long have you lived there? A I lived there since '72.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you know him? A Well I know him in about, let's see, must have been '74 or '75, [illegible] along there somewhere. Of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you know him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know his mother's name? A I did, but I don't remember it now; Celia; no, it wasn't Celia, I don't recollect it.

Q Well, did you know his brother? A William?

Q I am asking you? A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring or '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seed him since.

Mr. Smith: Do, if, cross, as I understand you, you knew this man then about '62? A Why that is when they first came there, I think about that, but still I wasn't --

Q Do you know whether he married there at Mapleton? A No, I do not, I don't know a thing about it.

Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not.

Q Well, how you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

allowed him? A I had a premonition of meeting him until he came there and went to work in the blacksmith's shop.

Q Now, what was the reason that you allowed him away from there? A Well, I don't remember. I think I had no intention to let him at all.

Q At the time he was allowed? A Why I suppose, yes.

Q [illegible] Do you know any further information about the [illegible] you allowed him from there? A [illegible]

Q You didn't call negotiated with him at the time? A No, I didn't call negotiated with him.

[illegible] Vann, [illegible]

Q You were on the place that morning in this case, were you not, Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in Lake in the Cherokee Nation, the Porter Creek fight? A No, sir, I don't know anything about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I have that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ceased, he went down there and got killed and that was the balance of us from Boxing

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this kinsman with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Hapleton, in Bourbon County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q. Did anybody that lived in those cabins have any of the cattle branded? A. Yes, sir, they had. Some of the cattle branded with the Indian brand, I could tell them either by marks or filling, they went and filled them. They went to other ranges and filled them, they went and filled them. They went to other ranges and filled them.

Q. Did any of those Indians put that brand on that long rope back to branch? A. I don't know. I don't know if they put a brand on that, sir.

Q. Commissioner: Were you in the fight? A. No, sir, I was at home. I heard that there had been a fight.

Q. Did you hear about it in good time? A. Yes, sir, I was at home when Lillie came there and his horse ranged here.

Q. I believe you testified with reference to your child being with Lillie, didn't you? A. Well, I have a child.

Q. You didn't know of this bonding? A. I don't know no more about nothing about that, but when anybody asks me about the name of Amos I know of course I know them, but they to come to intro I don't know no more than I could.

Commissioner: Copies of this testimony will be filed with the testimony in the cases of Freeman cases D-806, D-807, D-808, D-811, and D-812.

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Brice M. Jones, being duly sworn, says that he stenographer to the Five-Tribes to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brice M. Jones

Sworn to and subscribed before me this the 14th of October, 1901.

Commissioner.

File #17 Cherokee Freedmen Data, Fort Smith.

Testimony of Mary Brown,
Contestee to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Julia Rose for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. O. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it be formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebutt l testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 80.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Ferry Place on Grand River.

Q How long have you lived on Grand River? A About 17 years down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed on Horse Creek? A I do.

Q How did you first learn of that? A There was some men came to my house to stay all night.

Q Who were they? A Elijah West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some Negroes.

Q How many were in that party? A I can't tell you exactly.

Q About how many, as near as you can give an idea? A [illegible] best of my knowledge. I never took no particular notice.

Q Did you hear anything further about it going [illegible] house? A Yes, sir, two or three days afterward we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Grand

[illegible]

Q How far was that from your house? A About six miles.

Q Was there any [illegible] that Bingo was and his [illegible] people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you say it is so 1866? A Well, I came here as I saw in '68, about three weeks before Christmas, and I was in a delicate condition when the boy was born the 26th day of May, in 1866, and this was the fall following.

Mr. Twiggs: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q How do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowlins Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q There was Geo Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever been into Knight up to that time? A No, sir.
Q You didn't ever there at that time, the Knight place? A I had passed the place.
Q You got there after there? A No, sir.
Q You didn't see them? A No, sir, I don't call it.
Q You never saw any of those females at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was out at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it ever at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, those I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Keen, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

T. M. Buttz

Commissioner.

This 19th day March 1. 2. 3. 1928

[illegible] of the [illegible],
[illegible] to the [illegible] [illegible],
[illegible], I. T. [illegible], [illegible], Ibid.

In the matter of the enrollment of [illegible] of al., I. T. D. 1928

[illegible] Testimony

Appearances:
[illegible] for the [illegible] Nation
[illegible] for [illegible].

B. C. [illegible], being first duly sworn by [illegible] T. B. [illegible], testified as follows for the [illegible] Nation:

By [illegible]:

Q What is your name? A B. [illegible]
Q How old are you? A 34.
Q Where do you now reside? A Oklahoma City, [illegible] County.
Q How long have you lived there? A Since June, [illegible].
Q Since you have been living at Oklahoma City, did you become acquainted with a [illegible] family named [illegible]? A Yes sir.
Q Do you know the name of their first name were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin? A In 1898 or 1900.
Q Where were they living when you first became acquainted with them? A They lived on the same block I did in Ottawa, on Poplar Street.
Q How long did they live there after you became acquainted with them? A About four years.

By [illegible]:

Q What was the oldest one of his boys? A Will.
Q Which is the best closed? A [illegible].
Q Which was most [illegible]?
Q What did [illegible] man do [illegible] he was [illegible]?
Q Do you know [illegible] that he [illegible] for enrollment in this [illegible]? A I know [illegible] Martin has applied.
Q [illegible] of your [illegible]? A [illegible] heard.
Q [illegible] heard or from what you know? A I [illegible].
Q I [illegible] if you are [illegible] from what you know or from what you have [illegible] all [illegible] that he has applied, positively, I just [illegible].
Q [illegible] know positively that the man you are swearing about is the [illegible] has applied for [illegible] or not? A [illegible].
Q [illegible] know the [illegible] or not? A [illegible].
Q [illegible] come from to Kansas? A He came from Hamilton to [illegible].
Q [illegible] you were from Hamilton? A I were from Brown County.
Q [illegible] Hamilton County? A No sir.
Q [illegible] the first place you ever lived in Kansas? A [illegible].
Q [illegible] how much money did you have there? A Only for two or [illegible] at a time.
Q [illegible] Martin since 1901? A [illegible] I last heard.
Q [illegible] A [illegible].
Q [illegible] you did he live there? A I was acquainted with his [illegible].
Q [illegible] you remember the [illegible] of his [illegible]
[illegible]

[illegible]

[illegible]

This will be filed in Chancery [illegible]

[illegible]

[illegible]

Then, [illegible], being first duly sworn states that he stenographically [illegible] the foregoing [illegible] all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day of October, 1911.

[illegible]

Commissioner.

[illegible] Cherokee Freedmen Board, [illegible]

Examination of the witness,
Corresponding to the [illegible] Civilized Tribes,
[illegible], I.T., [illegible] 28, 1907.

In the matter of the application of [illegible] for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants.

Appearances:
[illegible] & [illegible], [illegible] for Applicants;
[illegible], [illegible] for Cherokee Nation.

W. [illegible] Rowe, being duly sworn by Commissioner [illegible], testified as follows:

Mr. [illegible]: State your name? A W. [illegible] Rowe.

Q What is your postoffice, Mr. Rowe? A [illegible].

Q What is your age? A [illegible].

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned? A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, stop whether or not he was the man that you spoke of a while ago as Spring Creek George? A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Q [illegible] You are not positive, are you Mr. Bone, as to the year? A Only to the best of my knowledge, that it was '98.

Q That is just the part of your testimony? A Yes. I am pretty [illegible] remember about it, it was '98.

Q What time of the year do you think it was? A About in September.

Q Do you know what place or town-drove this flight commenced that you speak of? A No, I don't know where it commenced or anything about it.

Q Know whether it commenced at the [illegible] flight place? A No, sir, I don't know where it commenced.

Q How old were you then? A I guess I must been been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Not of the Cherokee Nation, as I recall out of it.

Q There was no date to mark your memory by? A No.

Q How far did you live from where [illegible]? A I expect it must be about thirty or sixty miles.

Q You were not up there when the flight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and Exhibits D-213, D-215, D-290, D-297, D-298, D-656, D-657, D-658, D-917, D-940, and D-941.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

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To be filed with J. P. Boggs.

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C.F.N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 1, 1906.

[illegible] testimony to be taken by APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:

Mr. Ballette, of Ballette & Smith, Muskogee, I.T., attorneys for the applicants.

J. T. Hastings, of attorneys for the Cherokee nation.

C. H. HARRAN, being first duly sworn, and being examined testified as follows:

BY MR. BALLETTE:

Q What is your name? A C. H. Harran.
Q Where do you live? A At Tahlequah, Okla.
Q How long have you lived in the Cherokee nation? A All my life except during the war. I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, according to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road. I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:

Q Do you know whether George Vann was in that fight or not? A No, sir, I don't remember the party that came in and told me, it was a young party that I knew at the time, but that was 7 or 8 old Joe Vann but of my age and I don't remember, it was some of the Vann families, but I don't remember what his name was.

Q The party that came and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.

Q When did you see George Vann after that? A I could n't swear that I ever saw George Vann until '67 or '68, maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETTE:

Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETTE:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was out there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSIONER: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they could find them in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66. I wrote the order myself. I remember making the order for sure. I was clerk of the Council at the time.

Q But wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, I wrote the order I gave it to Smith and Smith got it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Rose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q Then did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

[illegible] to see Tip Hayes' daughter, and I had a conversation with her and her conversation was what I knew was I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Tell the daughter of Tip Hayes? A Rachel, the one that married Thos Bryan, what they testified about it here, leading it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.

Q Didn't send you over there? A Yes, sir.

Q And you came back and told me it couldn't be? A I came back and told the lady thought those people were there at home when they got home.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand in the year however to help us get the testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Hayes' wife was in the Choctaw Nation when he was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw John Bean in '66? A Yes, sir.

Q Where? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

---

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

---

Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original manuscript.

Subscribed and sworn to before me this 12th day of April, 1930.

Notary Public.

78636

[illegible] C. F. [illegible].

[illegible]

[illegible]

[illegible] testimony and proceedings in the matter of the application of [illegible] for the divorce of a [illegible] freedman.

Appearances:

[illegible] & [illegible], attorneys for applicant.
[illegible], attorney for [illegible].

[illegible] being first duly sworn, and being examined, [illegible] as follows:

Mr. [illegible]: What is your name? A. E. J. Clayton.
Q What is your age? A I was 58 years old the last day of February last.
Q What is your post office? A Walkerton, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I came here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A He called her Onegia.
Q When did you become acquainted with the husband and wife?
A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter? A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Reach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Perk. I think he was older than Bill or Lou either one. Perk was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Lewis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. [illegible] kind of hung together, those brothers did. I knew [illegible] 1867. I think it was 1868, that some fellow tried to [illegible] him on some kind of a charge, stealing a horse or a cow, I forget which. 1.

[illegible]

[illegible] they taught me and brought him back. [illegible]

[illegible]

[illegible]

[

Q [illegible] Kansas? A [illegible]
Q [illegible] A I think, [illegible]
Q [illegible] A Yes sir.
Q How long ago was it [illegible]? A [illegible]
Q [illegible]
Q [illegible] that you got to these people?
A [illegible]
Q When were you first talked to about being a witness in this case?
A About two or three weeks ago. The first called this people [illegible] two or three weeks ago.
Q Then were you first asked anything about any of these children or people in Texas, when you first knew them? When were you first asked about being a witness in any of these cases?
A A week or two ago, I guess.
Q You had not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind [illegible] all the names of these different colored people, do you?
A Yes, and a whole lot more of them that live there.
Q Who do you remember that names so distinctly?
A They worked for me. This Rezzie Martin wanted for my wife.
Q You remember Tobe? A He is a brother to Bill Martin?
A I think he was the oldest one of the.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 20 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know that he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming down.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-[illegible], D-[illegible], D-[illegible], D-389, D-656, D-657, D-658, D-911, D-940, D-504, D-313, and in the case at bar.

---

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1[illegible].

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application of Lewis Martin, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

| | |
|---|---|
| Lewis Martin, et al., | Cherokee Freedmen D-[illegible], |
| John Martin, | Cherokee Freedmen D-[illegible]; |
| Fred Martin, | Cherokee Freedmen D-[illegible], |
| Allie Martin, | Cherokee Freedmen D-[illegible], |
| George Martin, | Cherokee Freedmen D-911, |
| William Martin, et al., | Cherokee Freedmen D-940. |

-:o

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Lewis Martin for himself and minor child, Ernest Martin, and wife, Sarah Martin (by intermarriage); by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; and by William Martin for himself and minor children, Mamie, Sarah Ella, Mendena, Australia, Goldburn, Lloyd, Ralph and Duleh Martin. As the said Sarah Martin is differently classified, her rights to enrollment will not now be passed upon. Copies of the testimony taken at different times and places in the cases of Tobias Bean, et al., C. F. D-206, Nestie Martin, C. F. D.-218, and Fannie Wight, C. F. D-207, are filed herewith and made a part of the record in this case.

The evidence herein shows that the applicant, Lewis Martin, was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion he went out of the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The other applicants herein are the children and grandchildren of the said Lewis Martin, were born since the commencement of the Rebellion, and possess no rights to enrollment other than as his (Lewis Martin's) descendants. None of the

enrollments herein can be identified on the Cherokee permanent tribal roll of land.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sively Martin, Morgan Martin, John Martin, Fred Martin, Allie Martin, George Martin, William Martin, Maude Martin, Sarah Ella Martin, Benjamin Martin, Australia Martin, Cordmore Martin, Hugh Martin, Ralph Martin, and Ralph Martin as Shawnee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress Approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Chairman

C. R. Breckins.

Commissioner

Commissioner

Muskogee, Indian Territory,

MAY 13 1905

[illegible]

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Martin,
Chelsea, I. T.
Cherokee-F-D-666.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

N1

Cherokee Freedmen
Docket.

Muskogee, Indian Territory, May 13, 1908.

John Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 12, 1908, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Incl. L-63.
Register.

Cherokee Freedmen
Dockt.

Muskogee, Indian Territory, May 18, 1906.

Edgar Smith,

Attorney for Lewis Martin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1906, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Encl. 1-22.
Register.

Cherokee Freedmen
Board of Ed.

Muskogee, Indian Territory, May 18, 1906.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 15, 1906, rejecting the applications for the enrollment of Louis Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. 1-49.

Cherokee Freedom
D-000 et al.

Muskogee, Indian Territory, May 18, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Louis Martin et al., as Cherokee freedmen, including the Commission's decision, dated May 15, 1906, rejecting said applications.

Respectfully,

Tams Bixby
Chairman.

Incl. L-75.

Through the
Commissioner of Indian Affairs.

[illegible]
[illegible].

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, June 14, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit a report from the Commission to the Five Civilized Tribes, dated May 14, 1909, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Lewis Martin for himself and his minor child, Bruce Martin; by Jane Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Hance, Sarah Ella, Verdena, Australia Baldwin, Lloyd, Ralph and Ralph Martin.

May 13, 1908, the Commission decided adversely to all of the applicants.

The record shows that Lewis Martin was the slave of a Cherokee citizen at the beginning of the war of rebellion; that during the war he went out of the Cherokee Nation and did not return to said nation on or before February 11, 1867. The other applicants are the children and grandchildren of Lewis Martin, were born since the beginning of the war of the rebellion and possess no rights to enrollment except as his descendants. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision [illegible] to all the applicants [illegible] [illegible].

G.R.D.

DEPARTMENT OF THE INTERIOR, LRB.
WASHINGTON.

I.T.D. 7844-1906.
[illegible]
[illegible]
[illegible]

November 8, 1906.

Mpd.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Lewis Martin for himself and his minor child, Ernest Martin; by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Mamie, Sarah Ella, Mandana, Australia Goldborn, Lloyd, Ralph and Enlah Martin, including its decision of the same date, adverse to the applicants.

Reporting June 10, 1906 (Land 37841), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1906, motions for review were filed in the matter of the application of Lewis Martin et al.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will advise the local attorneys for the compliance of departmental action.

The papers in the case, including the petitions for review, have been sent to the Indian Office for its files.

Respectfully,

R. A. Ballinger
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Off.

Cherokee Freed.
[illegible]

Muskogee, Indian Territory, November 14, 1908.

Jane Foster,

Chelsea, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 14, 1908, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Department November 6, 1908, and a motion for review of your case, filed by your attorneys September 7, 1908, denied.

Respectfully,

Commissioner.

Commissioner Tyner.
Dawes, et al.

Muskogee, Indian Territory, November 14, 1906.

Kimp & Dalger,

Attorneys for Lewis Martin and others,

Bucher Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 18, 1906, rejecting the applications for the enrollment of Lewis Martin, et al. as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case; filed by you September 7, 1906, denied.

For your information there is enclosed a copy of Departmental decision.

Respectfully,

Commissioner.

Inc.-1-18-163.

Cherokee Freed.
Dockets et al.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of Lewis Martin, et al as Cherokee freedmen, was affirmed by the Department November 5, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1906, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-S-16-146.

DEPARTMENT OF THE INTERIOR

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 19th, 1901, in the matter of the application of John Martin for enrollment as a Freedman of the Cherokee Nation.

Attorneys for Applicants.

Cherokee F. #D656.

# NOTICE!

*IN THE MATTER OF* the application of John Martin for enrollment as a Cherokee citizen.

Case No. D 186

To John Martin or Lallatin A. Martin his wife.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct. 34 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1 [illegible]

[illegible]

[illegible]

*Attorneys for the Cherokee Nation.*

Chem Fr.

Chem Fr. R. 966

Trans. from Chem. Fr. D659

File with Cherokee Freedmen D- 1177, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody beside yourself? A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Me, I am about 44 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Coooooooooooo.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
A Give me the name of your child? A Hannah Martin.
Q How old is this child? A I think, as well as I can remember, it is about 18 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why don't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you not not lived together as husband and wife, ever since 1866? A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 34 years old.

Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Coowescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 3916, Coowescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 3918, Coowescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 131, No. 2742, Coowescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.

Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty?

A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q You that your object then in coming back in '66? A Yes, sir, that was my object.

Q In me to get your rights? A To get to get my rights.

Q So your being in Kansas couldn't be counted against you? A That is what I thought.

Q How comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you had been in Kansas?

A Well, I told you the reason I didn't go: I didn't have any one to go with me. I had got bushwhacked once and I was afraid to go around much. I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Was you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was roaming around living along with my people, with my brothers wife, Jamie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880 and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The same they were making the roll down here they were that same up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did youtestify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No,,sir.

Q Did they ever live there at all? A Lived there: when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept on improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you: close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 16 or 18 years ago.

Q What was the thing you came back from Kansas? A It was work.

Q Where did you live in the Cherokee Nation before you lived up there on Pryor Creek? A I lived over here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q What year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Rose Riley before that, they are relations of mine, I stayed with them.

Q Where did Rose Riley live? A He lived out west of Chelsea, northwest of a while.

Q Rose is where your sister lived? A No, I have got no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Rose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my own people, I stayed a while with Riley and I stayed at my sister's and I stayed at Drew Martin's on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jeanette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I cant tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '86 you say? A Yes, sir, from that I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '86? A Yes, sir.

Q How do you know when you got back to Kansas? A When I come to the town I knew it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names? What is the name of the oldest one?

A My oldest one is named John.
Q How old is John? A I don't know just exactly, I can't tell. He is something in thirty.
Q What is the name of the next child? A George.
Q How old is George? A George I think is thirty something too.
Q The next child? A Fred.
Q How old is Fred? A He is 24 or 26, I just can't remember. Their ages I haven't got them down.
Q What is the next child after Fred? A Albert.
Q How old is Albert? A He is about 21 years old.
Q What is the next child? A He is about 18.
Q What is his name, Ernest? A Yes, sir.
Q That is the child you are applying for? A Yes, sir.
Q Where was John born? A John was born in Kansas.
Q Where was George born? A In Kansas.
Q Where was Fred born? A In Kansas.
Q Where was Albert born? A In Kansas.
Q Where was Ernest born? A Out here near Chelsea.
Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
Q Where is your house? A My house is out about three miles north of Chelsea.
Q How long have you lived there? A 13 or 14 years, as well as I can recollect.
Q Been living there in that one house? A Yes, sir.
Q Did you ever keep house before that? A No, not always.
Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
Q Have you any children of your own I mean, you and this wife?
A Yes, sir, I had one.
Q That one is dead? A Yes, sir.
Q What was the name of that child? A She was named Eliza.
Q How old would she be if she was living now? A I can't tell you, and was born before the war.
Q She was older than John? A Yes, sir.
Q Where was she born? A She was born here in the Territory before the war.
Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
Q Is she the child of this woman Sarah? A No, sir.
Q Child of another woman? A Yes, sir, she is dead.
Q That is the first wife you had? A Yes, sir.
Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have. I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
Q To Kansas? A Yes, sir, her mother lived there.
Q Sometimes you would take her? A No,,I never took her myself many a time.
Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.
Q Well do it? A Well, I will tell you.
Q Give me the names of the places and the times you have lived at these places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

What's grandfather, the biggest part of the time.
Q I am talking about you too? A Well maybe I was here working around and sometimes I would work up there in Kansas. I would just support me and my family or three months and I would come down here.
Q Have you had any settled abiding place at all? A No, sir, not a year at a time.
Q Have you not been stationed at one place for several years?
A No, sir, not since 1868, or up till 1868, no, sir.
Q Did you stay long as much as one year at a place? A Yes, I have stayed as much as a year.
Q How many times have you stayed at some place as much as one year?
A Many a time but once.
Q When was that? A I can't tell you the year at all, it has been some time ago.
Q Was it before 1880? A I think it was as well as I can remember.
Q Just working from pillar to post? A Just worked where I could get a job.
Q And your wife not going around on these little trips with you?
A No, sir.
Q Did you ever vote up there in Kansas? A No, sir.
Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.
Q Who is there here? A Tobe Bean.

TOBE BEAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Tobe Bean.
Q How old are you? A About 62 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Been living here all my life.
Q Do you know this applicant here, Lewis Martin? A Yes, sir.
Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Sarah.
Q Was this man ever married except to this woman? A Yes, sir.
Q How many times? A Once is all I know of.
Q Was that wife dead when he married this woman? A Yes, sir.
Q About how long have he and this woman Sarah been married?
A Must be thirty some odd years I guess.
Q Have they been living together ever since as husband and wife?
A Yes, sir, to my knowing.
Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.
Q Where is she at that time? A She is up on Panther Creek.
Q How long has she been living out there? A I don't know how long she has been living there.
Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.
Q Has she been living there long? A Yes, sir.
Q Is she keeping house out there? A Yes, sir.
Q Who lives there with her? A Mr. Martin here and his family lives there.
Q Any children living there with them? A Yes, sir.
Q You don't know how long they have been living out there?
A No, sir, I don't know exactly.
Q You think that is twenty miles or some such matter from Vinita?
A Yes, sir.
Q Have they been living there as much as five years? A Yes, sir, longer than that I guess.

Q They have been living there as much as seven years? A Yes, sir; I reckon maybe seven or longer, been longer I guess. I don't know exactly when he moved there. I live out east here and he lives out there.

Q Have you ever been to that house? A Yes, sir, been on that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say along for the last twenty years. Seen him every six or eight months? A Yes, sir; sometimes about a year before I see him, we live a good place apart to see him pretty often.

Q What do you know about his doings along from '66 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '66 or '67, since the war closed? A Out on Pryor Creek I reckon, but he lives a good place from me, I haven't been keeping the run of him: I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your applicantion. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

[illegible] years ago. The applicant states that he was once previously married, but that former wife was dead when he married his present wife, and that this present wife was former married to [illegible]. They were married in the Nation, of course. For the further consideration of his claim, she will only be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Robert Martin, said to be 12 years of age, and now living, is identified on the Kern-Mershon roll, but not upon the payment roll of 1896. This child will also be listed [illegible] with his father and mother as a Cherokee Freedman on a doubtful card.

Frank A. Jones, being duly sworn, says that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Frank A. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

Signed, T. B. Needles,
Commissioner.

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Supplemental Testimony
To be filed with S.F.B. 488

Mellette & Smith for applicant.
T.M.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WASH WARD, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George Wash Ward.
Q Where do you live? A On Verdigris river, Chouteau district.
Q In the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know Lewis Martin? A Yes, sir.
Q How far does he live from Chelsea? A I guess about three miles.
Q About how long has he lived there? A I don't know how long.
Q How long have you known of him having lived there? A Since about '72 I think.
Q Were you asked to testify in his case at Vinita? A Yes sir.
Q Did you go there for that purpose? A Yes sir but he never went into the tent to apply while I was there, I was on the "ur" as court and had to go back to camp.
Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the army around I did in '66.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q Where did [illegible]
Q Was child with Lewis [illegible]
A Yes, sir, at that [illegible] of the parties that was with you?
Q What do you mean by the [illegible] Creek battle? A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I don't know, the all run off.
Q Do you know what [illegible] Lewis Martin, in the Cherokee Nation, went, with the [illegible] after the fight? A He went to where we lived.
Q There? A Spring creek.

Q How long did it take you to go from Horse Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did you stay at your place? A Back or two.

Q When did he go from there? A He said he went to Kansas. I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The next time you saw him was when? A The next time I saw him was out here in '78.

Q Where was that? A On the Washita.

Q Where has he been since that? A I have seen him in Coweseeooowee district off and on since.

Q Near what place? A Chelsea.

By F.S.Hastings for the Cherokee Nation:

Q How old are you? A 61 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my whole Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin county, near Osceotony.

Q Who did you say came back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was whole Sam and Eli Vann and Gloria Cheuteah; Art Bean, Walker Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Robie Shaw, Jess Shaw, Jate Shoe, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jesse Vann, there was a colored fellow Creek fellow along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q About what part of Horse creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 12th of June, 1901, at

[illegible]

[illegible], F. P.

[illegible], F. B. [illegible],
[illegible].

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Sworn to before, being duly sworn, said that he [illegible] to the [illegible] of the John Hutchins Estate to [illegible] the [illegible] and that the same is a true and correct [illegible] from the [illegible].

[illegible]

Sworn to and subscribed before me this the [illegible] of August, 1902.

[illegible]

Commissioner.

LEGAL COPY

Mellette & Smith attorneys for the applicant

V. V. Hastings, attorney for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 16th 1902.

In the matter of the application of Fred Martin for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Fred Martin.
Q What is your age? A. 27, no Mo.
Q What is your post office address? A. Chelsea.
Q In what district do you live? A. Geeweescoowee.
Q Do you want to be enrolled as a Cherokeefreedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Are you married? A. Yes sir.
Q Has your wife already been enrolled? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls? A. Yes sir the Kern Clifton and Wallace rolls.

Applicant not found on the 1880 and 1896 rolls.

The Kern Clifton roll examined and the applicant found as follows- Page 198 No. 2821, Fred Martin, Geeweescoowee district

The Wallace roll examined and the applicant found as follows: Page 181, No. 2745, Fred Martin, Geeweescoowee district,

Q What is your fathers name? A. Lewis Martin
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Sarah.
Q Is she living? A. Yes sir.
Q Are you the son of the Lewis Martin who has already applied for enrollment? A. I guess so. Yes sir.
Q Are you a brother of Joshua Martin? A. Yes sir.
Q Where do you live? A. 3 miles North west of here.
Q How long have you lived where you do now? A. 13 or 15 years.

By Hastings:

Q Where did you come from here? A. I dont know that.
Q Where did you come from 13 or 15 years ago? A. Vinita.
Q How long had you lived there? A. I dont know.
Q A year ? A I dont know.
Q You were 15 years old then? A. I dont know that.
Q You dont know how long you lived at Vinita? A. No sir.
Q Where did you come from there? A. Dont know come from Kansas.
Q Were you born in Kansas? A. I dont know.
Q What have your parents told you about it? A. Nothing.
Q How old were you when you first come from Kansas? A. I dont know.
Q How many brothers or sisters have you older than you? A. Three brothers
Q No sisters older? A. No sir.
Q You are the 4th child? A. No sir I am the 5th one, one is dead.

By Comr Needles,-

Fred Martin applies for himself; he is not found on the 1880 authenticated roll or the census roll of 1896 but is identified

Dated [illegible]

[illegible]

- - - - - - - - - - - - -

Then, you V Gina, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in this case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. [illegible]

Subscribed and sworn to before me this the 22nd of June 1911 at Muskogee I. T.

[illegible]

Commissioner.

[redacted]

[redacted]

-2-

Q You are a [redacted] [redacted] district? A Yes, sir.
Q You have been senator [redacted] A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

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Mr. Hastings: I desire to offer the testimony in the Hunter Bond case, D-3127; Joseph Mann, D-218, Dave Mann, D-220; Lewis Martin, D-222; and Fannie Wright, D-227.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

_____

Sworn to and subscribed before me this the 22 13th of August, 1901.

_____

Commissioner.

X

File with Cherokee Freedmen, No. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 16, 1906.

In the matter of the application of Jesse Keen et al. for enrollment as Cherokee freedmen.

Appearances:
Noliboy & Noliboy, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COOPER, being duly sworn by Commissioner Beatie, testified as follows:

Mr. Hastings: What is your name? A Jess Cooper.
Q What is your age? A About 21.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live on '65 and '66? A Out here on Grand River; it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cooper, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '65, he was killed the fourth of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob ~~Rattain~~ Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him then? A No, sir
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vittetoe.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.
Q Of that year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q Where did you move came from the Knight place on Grand River?
A In the spring of '66.
Q Up to that time, did you hear of any fight made upon any Negroes on Grand River in the Reconstruction Period?
Mr. Wallette: I object to the question as not material in this case. It is here however.
Mr. Hastings: It is a hypothetical question that unquestionably ought to be admitted.
Judge Gray: I don't think that is a material question.
Q Did you hear of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Panther Creek to the store, I met by one gang of men was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Dean? A I don't know whether I do or not: in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Willie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Dean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Dean over there in that year? A I don't remember whether I did or not.
Mr. Wallette: They had a good many fights around through this country about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q D you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Were you well acquainted up in that country? A I was, yes, sir.

Q Do you know that house [illegible]? A Yes, sir.
Q Where is that house [illegible]? A It was down on the Cherokee Nation. It was [illegible] Nation.
Q And after that you went to the Indian country? A Well, I don't tell you just how after I got.
Q I just want to know how long after you had been up in that country?
A I had been up that place three times that year.
Q Do you remember [illegible], do you remember for 35 years afterwards [illegible] that was passed at that time? A Yes, sir, I do.
Q Do you remember the [illegible] that you passed up in the [illegible] that was passed at that time? A Yes, sir, I guess wasn't too, [illegible] old place between them, [illegible] the Ben Lanham place, that was the only place there was there.
Q The last passed by there placed in anything? A Yes, sir.
Q Came that turned [illegible] country? A Yes, sir, came on the [illegible] road.
Q Who did you see [illegible] with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring branch.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on: is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66; how do you remember it: you didn't have to get back? A No, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th of 15th.
Q You remember now it was the 10th of 15th of December? A Yes, sir.
Q How do you ~~xxxx~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November.
Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q Was testified to the same facts before the Sitting Court you testify to now? A Yes, sir, as near as I can remember.

Q Much as you have of it: do you think you gave the same testimony there you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I was just about that time, I came to town to see.

Q That year was it? A It was in '36.

Q You are certain of that? A Yes, sir, I let him have the whisky to get drunk on.

Q Well now you know it was in '36 that Sam Rose shot Al Lynch do you, does Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at the time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rose's and tell them Rose Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rose's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rose's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all: you knew where Rose lived, didn't you? A Did man Dave Rose?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '36? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court Judges.

Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 35 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hulah Creek.

Q What district is that in? A Delaware district.

Q Was there any road that ran by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time? A Yes, prior to my arrest.

Q Did any of them get into at your house? A Yes, there was I guess one among the [illegible] there, I heard there was three, I don't know.

A Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him [illegible] he was shot in. But I didn't know he was shot.

Q Did you see the shooting? A Yes, sir, the most of it, the first two of them knew I didn't see.

Q Colored mulatto people there? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed the crowd? A Yes.

Q Well, sir.

Mr. Mellette: Hold on! Did he see who they was.

Q Did you know any of them? A I was the most of them, but I didn't know the names.

Q Did you ever talk to some men here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time. I don't know whether there was or anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter: two of these parties that came to my house —

Mr. Mellette: I object to that. no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willie.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1887, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles, a little more or a little less, I don't know just what we do call it.

Q The military road was right by it? A Not by the Thompson place

Q By your place I mean? A Yes.

Q I will ask you whether or not this man Robe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '64, and that he was the fellow shot in that fight in '62, and probably I remembered that if he was shot in '64 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tom Doom, the negligent?

A Yes, sir. I think that is the person, I don't know. I only had a word or two at the time, I never knew since the trouble that he was one of those still that time, I knew his name, but I didn't know him, I could have gone and find out.

Mr. Bellatty: Mr. Knight, did you say that you were arrested for killing two men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The men I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You could not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '68.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, [illegible]? A About [illegible] miles.
Q That direction from Russell Creek? A No, I think it would [illegible]
Q Well, where did you move to that fall? A [illegible] of Horse Creek.
Q Where were you living in 1867? A In Horse Creek, right at the mouth of Horse Creek or Drift River.
Q Do you know Jim Whitmore? [illegible]? A I have been him, I don't know as I am acquainted with him.
Q Mr. Pratt, any time after the war, did you and your [illegible] of the circumstance of some colored people being killed near the old Quaker place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Quaker place at that time?
A About four miles.
Mr. Hastings: Do Mr. Pratt, do you remember that he came back before the killing of 'em? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '66, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you come back here in '66? A It was in the spring.
Q In the spring of '66, how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come, come by Vinita? A No sir, on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall. I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Drift River.
Q How many Negroes did you hear kept of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that I know of, I don't.
Q How did you position about that? A I think that is the only fight I heard of.
Q You just simply heard of one, that is all, is it? A Well, I saw the people in there and there was afterwards hunting the fellows that done it.
Q Where were the Negroes from? A Said to be from Van Buren.
Q They were supposed come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were one the troops at Van Buren in '63?
A I don't know anything about it.
Q You say the troops all right, did you? A I did.
Q How many? A Seemed to me like about 20 or 25.
Q White or colored? A White men.
Q Did commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '63 that that fight occurred; when was that first called to your attention Mr. Trott; since this freedmen's court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'tthew, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 30 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1868.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.
Q '63? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '63 or '64? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't hit it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of 1867? A I ~~[illegible]~~ know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

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Q. W. Clarke, being duly sworn by commissioner Peoples, testified as follows:

Q. Mr. Clarke, what is your name? A. Q. W. Clarke.

Q. How old are you, sir? A. My second birthday, I will be 68.

Q. A citizen of the Cherokee Nation by blood? A. Yes, sir.

Q. You lived in the Cherokee Nation before the war? A. All my life.

Q. Did you take any part in the war, were you? A. I was in the northern army.

Q. Where were you mustered out? A. I was mustered out at Fort Gibson on the 10th day of May, in 1865.

Q. Where did you live the rest of the year of 1865? A. I lived on the river.

Q. Grand River? A. Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q. Where did you live in the year 1867, have a crop?

A. I made a crop on what is known as the Willie McDaniel place on the east side of the river, it is commonly known as the Adair place now.

Q. Did you make a crop on the same place in 1877? A. No, sir, the treaty was made in July and reverted the place, I rented a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles: going around by the river made it about 15 miles.

Q. Was the place you moved to farther up on Grand River than where you had been living in '66? A. Yes, sir, go through and across the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q. After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A. Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q. Where were you living when you heard of that incident?

A. I was living in the Six Mile bottom in the fall of 1867.

Q. You know Robe Bean the applicant? A. Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A. I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q. You don't remember whether anybody was killed in the fight you heard about? A. No, sir, it has been so long ago.

Q. It was right hard to remember about a fight at that time?

A. Yes, sir.

Q. Have a good many? A. Yes, sir, a plenty.

Q. You didn't know which fight that is you are telling about?

A. That is what made me bring it to mind, some fellows run on some colored people up there, what was all.

Mr. Hamilton: You were in the northern army? A. Yes, sir, I was in the northern army.

Q. Did you hear about what place on Horse Creek this fight occurred?

A. I don't know as I did; it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A. No, sir, only just what I heard.

Q. After you got through with your fighting it wouldn't amount to much as a fight anyhow? A. No.

T. J. Monroe, being duly sworn by Commissioner Hankins, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 60.

Q Where did you live before the war? A Lived on the line of the Osages and the eastern line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A I came down as far as the place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the Old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Kansas precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Or '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. McIlette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boyer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boyer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q Last time? A Yes.

Q Not October's mistaken? A No, sir.

Q Now there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You don't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

[illegible]

[illegible]

-4-

Q. Did you [illegible] A. Yes, sir.
Q. You have read [illegible] A. Yes, sir.
Each [illegible] of your testimony A. Yes, sir, one time and another [illegible].

Cross-examination

Mr. Phillips: I desire to offer this testimony in the [illegible] case. [illegible] Stand Pat, D-[illegible], Lucy Bear, D-[illegible], Lewis Martin, D-[illegible] and Tennin Night, D-[illegible].

Stenographer

Bruce C. Grace, being duly sworn, says that as stenographer in the Commission of the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed to and subscribed before me this the 22 28th of March, 1906.

Commissioner.

[illegible]

[illegible]

[illegible]

Bill with Cherokee Freedmen. Lewis, Fred Martin.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Vinita, I.T., October 6, 1904.

In the matter of the application of Lewis Martin et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS VANN, being duly sworn and examined by Commissioner Tarkington, testified as follows:

Q Give us your full name? A Lewis Vann.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I can just guess at it, but that would not be correct, but I think I am somewhere along about '68 or '70, I don't know.

Q What is your postoffice? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Vann? A I lived right on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of Lewis Martin? A Well, I heard of his name but I knew his parents all right, his father and mother, but then to say well acquainted with him, I never got well acquainted with him till he came up here to Kansas.

Q You don't mean here to Vinita? A No, sir, up in Kansas I am acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was Harry.

Q What was his mother's name? A Collin.

Q Well that is the man I want to talk about; when did you know him in Kansas? A Well now there is something that I don't know right exactly, but I knowed him even since I was here in Kansas, and I have been up in Kansas ever since '62, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was living with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what he was doing right then, but he learned the blacksmith trade then after that; I can't say right then, but he learned the trade of a blacksmith.

Q What place in Kansas was that? A It was just right above, about a mile from Mapleton I reckon, I don't suppose it would be any farther than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when he left there at all; he bought a place there right close, not very far from Mapleton, and he raised one crop on it and he sold it out and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right there not far from Mapleton, I knew the folks, the woman's father and mother, well the mother anyhow, I knew her well after he married her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw him there once after that.

Q Well about how long after that? A Now sir that I can't tell

How long it was then I can not tell.

Q Was your son married? A He was married then.

Q Where did he living? A He was living with me when he got married, and then he moved up to Ottawa, and he wasn't there very long before his woman took sick and I went for his mother to come and she came and she didn't come back quick as I thought she ought to come back and I went after her, and I went up there and I came over to his house.

Q Came to his house? A Went to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kinder guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child? A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but know he is a good size boy, I ain't seen him since he was just about so high (indicating) and come off here to the Nation.

Q You don't have no idea when the child was born? as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date: what is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

and moved on this way.

Q How do you know he just made the one, in that I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one more crop. He was home where he lived, he said his stepson, he came his own home to make a crop and then he came, he said his stepson made a crop here and then he came and made one. That is what he told me, that is all I know.

Q That was while the Wallace Court was here? A Yes, sir, first time I was ever down to the Wallace Court.

Q Have you any idea who Wallace made that roll, do you know anything about that roll? A No, sir, I don't.

Q Don't know no more about it at all? A No, sir, don't know a thing about it only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Rogerson County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation; went from down here at Chouteau Station.

Q There wasn't any Chouteau Station then in '66? A No, sir, it has been put there since; I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1866? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '66; when that man told me that I came here in '68, that is how come I say I come here in '68; he said I come here in '68 because I came here a soldier.

Q Where were you living in 1868? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this same man said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on, or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed? A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself; do you know where he was when the war closed? A I didn't say I know that at all, but I know he was living there when I came. When I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I don't know he lived there when I went up to Ottawa you know.

Q Do you know where he was in the fall of '65? A No, sir, it isn't any more use for you to ask me about '65, not bit more than a baby, because I didn't know.

Q Do you know where he was during the year after the war closed? A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a right or killing scrape down here in the Cherokee Nation shortly after the war? A I never heard of him getting mixed any right or killing.

Q You were not in 66? A No, sir.

Q When did you come down here at the Wallace Court, where was

Lewis Martin Hanged on the Cherokee Nation, near that place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile we got was east this side. Green Valley.

Q A mile from Vinita? A I don't think it was quite a mile, it might have been and might not. But it wasn't long.

Q Did you go out to his place? A Yes sir, I went out to his place.

Q Who did you see, did he talk? A I hollered I went in his cabin I guess. I don't know for certain now I went out but I went there all right, went right to the big house.

Q You don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of his living at that time here and there when he left there he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

P. D. MYRICK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give my your name, please? A P. D. Myrick.

Q How old are you? A I am 64 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes, sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '63 and '64.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course I was well acquainted with his wife but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived in Ottawa; that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you mean that that was five or six years - - A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa; he and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And that was now five or six years after that after he went to Ottawa? A Yes, sir.

Q Did he tell you he was living there at that time? A At Ottawa.

Q Did you ever see him during that? A No, sir, not as I know of.

Q You live at Mapleton? A Yes, sir.

Q Did you know from Mapleton any time, any between '65 and '70? A Yes, sir.

Q There were you? A I was in the hardware business.

Q Do you remember Lewis' father? A Lewis' father, Celia.

Q What is what I want to know, is identify him? A Yes, sir, I was well acquainted with him for a number of years.

Q Then did you see him the five or six years after he left Mapleton that you stood off? A I saw him between my home and Mapleton and just saw him on the road and merely exchanged him and asked him some for questions, I don't know what, in regard to where he was; he was kind of a stranger than you know; he told me he was living at Ottawa.

Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.

Q You are not positive about that? A No, I wouldn't be positive.

Q Did you ever see him after that? A No, sir, I never saw him after that.

Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.

Q What were you doing, Mr. Myrick, along the closing years of the war? A Why I was running a mill there and was making flour for the government, I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had three fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lebanon.

Q And Will Martin was Lewis Martin's brother and lived with him? A Yes, sir.

Q What was Will Martin's wife named? A Leslie.

Mr. Smith: Mr. Myrick, I believe you stated it was in '63 or '4 that this man was working for you? A Yes, along about that time.

Q Well, where was he in '65? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.

Q Well you don't know then where he was in '65? A No, I can't say where he was in '65.

Q Where was he in '66? A I don't know, sir.

Q You know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q About what year was it that you last saw Lewis Martin? A That I saw him last; last saw him?

Q Last saw him at all? A After I saw him coming from Ottawa, oh it must have been five or six years afterwards.

Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.

Q You haven't seen him in that country since? A No, sir.

SMITH IRWIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Smith Irwin.

Q What is your age? A I am going on 61.

Q Where do you live? A Ottawa.

Q Kansas? A Yes, sir.

Q How long have you been living at Ottawa, Kansas? Q Went there in '97, 1897.

Q Did you know a colored man by the name of Lewis Martin? A Yes, sir.

Q Where did you know him? A In Ottawa.

Q When did you first become acquainted with him, first see him there? A [illegible]

Q What time did you go to Ottawa in '67? A Came there in March.

Q How soon after you came there was it before you was [illegible]?

A Well, as they say, I was not certain exactly that it was about in April or May.

Q A short time after you came there? A Yes, sir.

Q Mr. Martin, do you know this man? A Yes, sir.

Q Did you hear Smith call Barrett.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named Ella, and Theresa.

Q What was Martin doing when you first saw him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I knew him four or five years there, maybe longer. I don't know exactly the time that I did know him, I can't just clear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't.

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I don't say where he went. I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since; I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Smith: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was along from '67 up for four or five years after '67?

A Yes, it was after '67.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Commissioner: You say you first saw this man in '67? A Yes, sir.

Q Where did you live in '66? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q State of Kansas? A Yes, sir.

Q You know where Martin was in '66? A No, I don't know where he was in '66.

Q What brings it to your mind that it was '67 that you saw him?

A Because I moved to Ottawa in '67.

Q You know that? A Yes, sir, and there is where I saw him.

Q You [illegible] today do you? A Yes, I [illegible] called, too.
Q What year is it? A It is [illegible].
Mr. Hastings: Is this the year 1900? A Yes, sir.
Q Well, it is a matter [illegible], I don't know whether you [illegible] even or not; you know I am an [illegible] man.
Commissioner: Where were you living in 1866? A Ottawa.
Q You were living there ever since 1866? A Yes, sir.
Q Living where now? A When I am at home that is right there I live.
Q Your family there? A My family is all dead; well I have no family of my own now.
Mr. Hastings: Do you know what year the war commenced? A Yes, sir.
Q What year? A 1861.
Q What year did it close? A 1865.
Q How how long after the war closed before you went to Ottawa?
A Why I went to Ottawa in 1867.
Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. REESONG, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A D. J. Reesong.
Q What is your age? A I am 51 years old.
Q What is your postoffice? A Mapleton.
Q Kansas? A Mapleton, Kansas, yes, sir.
Q How long have you lived there, Mr. Reesong? A I have lived there since '57. Have lived there about 44 years.
Q Do you know a colored man by the name of Lewis Martin? A I did.
Q Where did you know him? A In Mapleton, Kansas.
Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.
Q Do you know where he came from up to Mapleton? A I do not.
Q You never heard him say? A Never heard him say.
Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back up there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, along there.
Q About how long did he stay there? A Well, when he came back there I am pretty sure it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.
Q When did you come back? A I came back that fall and winter, winter of '77.
Q Did you know Martin's wife? A Yes, sir.
Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.
Q Did you know his brother? A Will?
Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.
Q What was Will Martin's profession? A Blacksmithing.
Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.
Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.
Q Well, was his family with him when you knew him there in '76?
A Yes, sir, she lived right in town.
Q He worked in a blacksmith shop? A Yes, sir, him and his brother

run a shop there in [illegible]

Q You haven't seen him since? A I have not.

Q. Mr. Martin, Mr. [illegible], you don't know where he came from when he came to Mapleton that time? A No, sir.

Q You don't know where he had been living before he came there?

A No, sir.

[illegible], being duly sworn by Commissioner Deedes, testified as follows:

Mr. Martin: What is your name? A John Green.

Q What is your age, Mr. Green? A 63.

Q Where do you live? A Mapleton.

Q [illegible] County, Iowa, sir.

Q How long have you lived there? A I lived there since '66.

Q Did you ever know a person by the name of Levie Martin?

A Yes.

Q Was he a blacksmith, what did he do? A He was a blacksmith.

Q When did you know him? A Well I knew him in about, let's see, must have been '75 or '76, right along there sometime; of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you meet him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know his mother's name? A I did, but I don't remember it now; [illegible] me, it wasn't Julia, I don't recollect it.

Q Well, did you know his brother? A William?

Q I ask nothing but? A Yes, I knew him better than I did Levie.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '74 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seen him since.

Mr. [illegible]: Mr. Green, as I understand you, you knew this man [illegible] that is when they first came there, I think about [illegible] I wasn't [illegible]

Q [illegible] he married there at Mapleton? A No, I do not [illegible] about it.

Q [illegible] he was a single man or a married man when you [illegible] him? A I think he was a single man

Q [illegible] was he married in a couple of years after he [illegible] married when he run a shop there, he [illegible]

Q [illegible] A No, '75 or '6.

Q [illegible] any recollection as to whether he was married before [illegible]? A No, I do not

Q [illegible] you missed him from there along about the time the war [illegible] did you? A Yes.

Q When did you first see him back there after the time that you

missed him. A I don't considered of seeing him will be down there and went to work in the [illegible] with me.

Q Did he send that money back to you that you passed his way from there? A Well I was a [illegible], I didn't pay no attention to it at all.

Q About the time he was killed? A Why I suppose, yes.

Mr. Hastings: Do you have any feeling [illegible] about the fifty dollars you missed him from there? A No, I do not.

Q You didn't feel dissatisfied with him there? A No, I didn't feel dissatisfied with him.

LEWIS VANN, recalled by complainant, testified as follows:

Mr. Welch: You came on the stand this morning in this case, didn't you Mr. Vann? A Yes, sir.

Q And then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1868 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, someone that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Tell, when was he killed? A He was killed the year after the war ended, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and write back, but then he got killed.

Q Didn't people go with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when those people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Kinkston, in Bourbon County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Did you know Lewis Martin came down here, moved back here? A I guess he came down here.

Q When? A Well now that is something I can't tell you when, but I know he came.

Q Did he come at that time you are talking about? A Oh no, he was in Texas but he didn't come when the others came, because I know he was in there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not. I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q. Did anybody ever live in those houses here, any of the colored people? A. Yes, sir, that is something I don't know either because I have all the children down there in them. They went on before they got killed, that was all.

Q. Did any of them that left Kansas at that time come back to Kansas? A. I can't tell you but a thing about that, sir, no, sir, I can't.

Mr. Hastings: You was not in the fight? A. No, sir. I was at Muskogee Nation and took heard about it.

Q. All you know about it is just what you heard? A. Yes, sir, about they killing the chief there and his name was Bennet.

Q. I believe you testified that Mr. Whitney was, didn't know a thing about those land surveys, didn't you? A. Well, I don't.

Q. You didn't know a date this morning? A. I don't know no date about nothing about that but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-836, D-837, D-838, D-911, and D-840.

**********

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF INDIAN AFFAIRS.

RECEIVED
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Acting Commissioner.

Commissioner.

File on Cherokee Freedman 1.457, Fred Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1902.

In the matter of the application of Fred Martin for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
T. M. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Rowling Ferry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some men came to my house to stay all night.

Q Who were they? A Kinch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Horse

trees.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that that [illegible] came to your house and you heard of this killing of the [illegible] people? A Fall of '64, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you say it was 1864? A Well, I came home to I was in '63, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1864, and this was the fall following.

Mr. Hewitt: Did you ever have any other children born? A Yes, sir.

Q How? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q How do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowling Kerry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '63.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifty one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Did you ever meet Sam Knight up to that time? A No, sir.
Q You didn't ever there at such time, the Knight place? A I had passed the road.
Q You saw these robbs there? A No, sir.
Q You didn't see them? A No, who, I can't call it.
Q You never saw any of these derrics at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mallette: I want the testimony taken attached to Lewis Martin, D-889, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

***********

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

Tom B. Kennedy

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Action Chickasaw

Page; I looked there in vain.

* * * * * * * * * *

This will be filed in Chancery proof as follows, Bond; B-250; B-251; Page; Bell; Bond and

* * * * * * * * *

State of Texas, Being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 28th of October, 1901.

Commissioner.

# CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

* * * * * * * * * * *

This will be filed in Cherokee Freedmen Cases, D-289; D-656; D-657; D-658; D-911; D-940 and

* * * * * * * * *

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this the 24th of October, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSIONER FIVE CIVILIZED TRIBES

File with Fred Martin C. N. R. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T. October, [illegible], 1901.

In the Matter of the enrollment of Louis [illegible] et al., C. N. R. [illegible]

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for Cherokee Nation.
Mellette & Smith for applicant.

W. C. Harford, being first duly sworn by [illegible], testified as follows for the Cherokee Nation:
( By Davenport )
Q What is your name? A W. C. Harford.
Q How old are you? A 44.
Q What is your post office address? A Ottowa, Kansas, Franklin County
Q How long have you lived there? A Since June, '[illegible] 1894.
Q Since you have been living at Ottowa Kansas did you become acquainted with a colored family named Martin? A Yes sir.
Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin? A In '68 or '70.
Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottowa, on Poplar Street.
Q How long did they live there after you became acquainted with them? A About four years.
( By Smith )
Q What was the oldest one of his boys? A Will.
Q Which is the next oldest? A John.
Q Which was the youngest? A Fred.
Q What did the old man do there? A He was a blacksmith.
Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.
Q How do you know? A From what I heard.
Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.
Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.
Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir I don't.
Q You didn't know him while '68 or '70? A No sir.
Q Where did he come from to Kansas? A He came from Mapleton to Ottowa.
Q Where did you come from to Ottowa? A I came from Brown County, Indiana.
Q Did you ever live in Mapleton Kansas? A No sir.
Q Was Ottowa the first place you ever lived in Kansas? A Yes sir.
Q Have you never been away since you came there? A Only for two or three months at a time.
Q You have never seen Lou Martin since '70? A Not since he left there.
Q When was that? A '72 or 3.
Q How long did you say he lived there? A I was acquainted with him four, five or six years.
Q Was he there when you got there? A No sir, three or four years after I got there he came there, maybe four or five years after.
Q Which was it, three or five? A I didn't keep any dates as to when he came, but it was from '68 to '72 some time along there when he

[illegible]; I [illegible] there is [illegible].

[illegible]

This will be filed in [illegible] [illegible]; [illegible]; [illegible]; [illegible]; [illegible]; [illegible]; [illegible] [illegible]

[illegible]

Chas. von Weim, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas. von Weim

Subscribed and sworn to before me this the 24th of October, 1901.

C. R. Breckinridge

Commissioner.

[illegible] it been out during the war? A Out of the Cherokee Nation, but I wasn't out of it.

Q There was no date to mark your return by? A No

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to court with for it? A No, sir

Commissioner [illegible] testimony will be made part of the record in the case of [illegible] Friend in W-212, D-215, D-290, D-207, D-289, D-676, D-657, [illegible] D-811, D-940, and D-641.

Bruce D. Jones, being duly sworn, says that as stenographer to the [illegible] he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Sworn to and subscribed before me this [illegible]

The Five Civilized Tribes [illegible], Fort Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., [illegible] 22, 1902.

In the matter of the application of Polina Dunn et al. for enrollment as Mongrelous Freedmen.

Supplemental testimony on behalf of applicants.

Appearances:
Valentine & Smith, attorneys for applicants;
T. M. Hastings, of counsel for Cherokee Nation.

R. B. Rose, being duly sworn by Commissioner Beallen, testified as follows:

Mr. Smith: State your name? A R. B. Rose.
Q What is your postoffice, Mr. Rose? A Rose.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation, Mr. Rose? A I have lived here all my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Were you out of the nation during the war? A No, sir.
Q Where were you, Mr. Rose, in the year 1866? A I was at my father's place.
Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.
Q Did you know a colored man named George W. Vann? A Yes, I know George.
Q Which George is it you know? A I know George Vann, lives on Spring Creek.
Q Spring Creek George, sometimes called Spring Creek Dedget? A Yes, sir, Spring Creek George.
Q Do you know, Mr. Rose, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.
Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.
Q What knowledge have you that they were killed? A What knowledge have I?
Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.
Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.
Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.
Q Were they colored men? A Yes, sir.
Q Who helped to bury them? A A whole lot of colored fellows buried them there.
Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.
Q How many more do you think there were besides those you mentioned? A I don't know, I never counted them.
Q Do you know what was ever done about that affair, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.
Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George? A Yes, Spring Creek George was there.
Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Mr. Gallagher: You are not testifying, are you Mr. Bear, as to the year? I think the best of my knowledge that it was '26.

Q That is just the best of your knowledge? A Yes. I am pretty believable certain about it, it was '26.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred on the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, and I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about forty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and IN D-212, D-213, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-941.

Witness:

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

APR 14 1902
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COMMISSION TO INVESTIGATE CIVIL SERVICE

To be filed with C. T. D.

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C.T.R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1908.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants.
F. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:

BY MR. MELLETTE:

Q That is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A. Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that came in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that came and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 68.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and while George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order. I wrote an order for Sam Smith for George Vann to kill cattle.

Q That year was that? A That was '66. I wrote the order myself. I remember making the order for more, I was elected school superintendent.-

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, then I wrote the order I gave it to Smith and Smith gave it to Vann.

Q That information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Rose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well, the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q And I sent you over there? A Yes, sir.
Q And you came back and told me it couldn't do? A I come back and told you they thought these people were here at home than they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

---

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

---

Arthur O. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

Original transcript.

Arthur L. Cromwyn

Subscribed and sworn to before me this 12th day of April, 1902.

Philip J. Ruter
Notary Public.

Subscribed and sworn to before me this 14th day of April, 1902.

Notary Public

[illegible] C. P. [illegible]

[illegible] C. P. [illegible]

Department of the Interior
Commission to the Five Civilized Tribes
Washington, D. C., April 9, 1909

Supplemental testimony and proceedings in the matter of the application of WILLIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mssrs. Geo. E. Smith, attorneys for applicant.
F. E. Hastings, attorney for Cherokee Nation.

W. J. Clayton, being first duly sworn, and being examined, testifies as follows:

Mr. Hastings: What is your name? A W. J. Clayton.
Q What is your age? A I was 68 years old the 22d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 18th, I think. I put a wagon tongue in in the shop on the 18th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter and no longer.
Q You did work at the wagon trade for that winter? A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1873. They worked together until he went away. I seen himthere, but never know anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1868, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which. 1.

Q Did he pay cash?
A No, but they caught him and brought him back, but did not arrest him. Then he went away to the Cherokee Nation, and I heard that he died. I never heard anything about him after he left here.
Q That was in 1877? A Yes sir.
Q Did you know him continuously from 1867 to 1877.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Jack's father? A Yes sir.
Q Did you know who he married?
A A girl by the name Annie Steele.
Q Do you know a brother of Onestie Martin's, Jack Bean?
A Yes sir, I know him too.
Q When did you first know him?
A It could not have been longer than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to Bill Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Onestie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Onesdie Martin.
Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Onesdie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she come to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
Q Where was Onesdie Martin in 1867?
A Lived on Roach's place, right south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866. R.

Q When did you come to Vinita? A Moved in 1887.
Q You [illegible] Kansas [illegible] there? A I think she [illegible].
Q Do you remember Mrs? A Yes sir.
Q How long has she been back? A Since 1887?
A Twenty-three or -four years.
Q When were you first asked to remember that kind for as to these people?
A Never asked to remember back to those people.
Q When were you first talked to about being a witness in this case?
A About two or three months ago. Two times about this Neadie Martin case, two or three hours ago.
Q Then were you first asked anything about any of these colored people up there, when you first came down? When were you first talked to about being a witness in any of those cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole slough more of them that live there.
Q Why do you remember their names so distinctly?
A They worked for me. This Neadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1868 or the fall of 1867? A I don't know what he done in 1868. I was not there in 1868.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, those people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-390, D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-911, D-940, D-504, D-513, etc. in the case of Ber.

---

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

S. Wm. Hutchinson.

[illegible]

[illegible]

[illegible]

Transcript

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FRED ADAMS for enrollment as a Cherokee Freedman

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Lucas Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case R-D-496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Fred Martin, R 637;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, Trustee, vs Cherokee Nation, to file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

A. F. M.
D. C. L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Lewis Martin, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

| | |
|---|---|
| Lewis Martin, et al., | Cherokee Freedmen D-209, |
| John Martin, | Cherokee Freedmen D-656, |
| Fred Martin, | Cherokee Freedmen D-657, |
| Allie Martin, | Cherokee Freedmen D-658, |
| George Martin, | Cherokee Freedmen D-911, |
| William Martin, et al., | Cherokee Freedmen D-940, |

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Lewis Martin for himself and minor child, Ernest Martin, and wife, Sarah Martin (by intermarriage); by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; and by William Martin for himself and minor children, Mande, Sarah Ella, Bandena, Australia, Goldburn, Lloyd, Ralph and Ruth Martin. As the said Sarah Martin is differently classified, her rights to enrollment will not now be passed upon. Copies of the testimony taken at different times and places in the cases of Tobias Bean, et al., C. F. D-205, Mattie Martin, C. F. D-218, and Fannie Higho, C. F. D-[illegible], are filed herewith and made a part of the record in this case.

The evidence herein shows that the applicant, Lewis Martin, was the slave of a Cherokee citizen at the commencement of the Rebellion, that during said Rebellion he went out of the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified by the decisions of the Court of Claims rendered February 3, 1896, in the case of Moses Whitsitt, Trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The other applicants herein are the children and grandchildren of the said Lewis Martin, were born since the commencement of the Rebellion, and possess no rights to enrollment other than as his (Lewis Martin's) descendants. None of the

applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Martin, Ernest Martin, John Martin, Fred Martin, Allie Martin, George Martin, William Martin, Meade Martin, Sarah Ella Martin, Mendena Martin, Australia Martin, Goldburn Martin, Lloyd Martin, Ralph Martin, and Ralph Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

MAY 13 1905

No. D 657

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 1901

Given under my hand this _____ day of _____ A. D. 1901.

_____
Marshal for the Cherokee Nation.

---

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the _____ day of _____ 1901.

Mullen & Smith
Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A.D. 1901

_____

Subscribed and sworn to before me this _____ day of _____ A.D. 1901.

_____
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901

_____
Commissioner.

8 o'clock A. M.

# NOTICE!

*IN THE MATTER OF* the application of Fred Martin for enrollment as a Cherokee citizen

Case No. D [illegible]

To Fred Martin or Mollattie & [illegible] his atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1 1901

[illegible]

[illegible]

*Attorneys for the Cherokee Nation.*

X 8657

D
MAR 21 1902

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Fred Martin,
Chelsea, I. T.
Cherokee-F-D-637.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 10 1901

DESIGNATION OF APPLICANTS

# CHEROKEE FREEDMEN

JUN 18 1901

Date

Post Office Chelsea I.T.

District Cav

1. Name Fred Matthews Age 26

Owner's name Citizenship

Year 1880 Page 57 No. 292 District Cav

Parents

Father Lyons Matthews living Citizenship Ind. Fred

Mother Sarah " living Citizenship " "

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Doubtful

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by No. 1 Stenographer Chas. von Wise

1 on Wallace roll, Page 131 #2745 — Cav

Mellette and Smith, attys. for applicant.

X Ref D 289

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1901
A... C...

COMMISSIONERS
TAMS BIXBY
THOMAS B. CADMAN
C. R. BREDENDUNG

ALBERT L. ATTERBURY
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 10th, 1901, in the matter of the application of Fred Martin for enrollment as a Freedman of the Cherokee Nation.

Mellett & Dunn

Cherokee F. #D657.

Attorneys for Applicants.

COPY.

Cherokee Freedmen

D-497.

Muskogee, Indian Territory, March 27, 1908.

Fred Martin,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 18, 1908, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Nation
Docket.

Muskogee, Indian Territory, May 13, 1908.

Fred Martin,

Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 11, 1908, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Roger Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encls. Leg.
Register.

Tams Bixby
Commissioner.

Cherokee Freedom
D-[illegible].

Muskogee, Indian Territory, May 13, 1906.

Edgar Smith,

Attorney for Lewis Martin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. L-44.
Register.

COPY

Cherokee Freedmen
L-69 et al.

Muskogee, Indian Territory, May 13, 1908.

Dell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-69.

COPY

Cherokee Freedmen
L-70 et al.

Muskogee, Indian Territory, May 15, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen, including the Commission's decision, dated May 15, 1906, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-70.

Through the
Commissioner of Indian Affairs.

Land.
37041-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

JUNE 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Lewis Martin for himself and his minor child, Ernest Martin; by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Maude, Sarah Ella, Dendena, Australia Goldburn, Lloyd, Ralph and Eulah Martin.

May 22, 1906, the Commission decided adversely to all of the applicants.

The record shows that Lewis Martin was the slave of a Cherokee citizen at the beginning of the war of rebellion; that during the war he went out of the Cherokee Nation and did not return to said nation on or before February 11, 1867. The other applicants are the children and grandchildren of Lewis Martin, were born since the beginning of the war of the rebellion and possess no rights to enrollment except as his descendants. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully, C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

Muskogee, Indian Territory, August 4, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of May 19, 1906 (I.T.D. 6494-1904, 8833, 8723-1905, [illegible]-1906), enclosing two motions for reconsideration of the Cherokee Freedmen consolidated case of David Martin et al. You state that said motions were filed with the Department September 7, 1905; that the first (I.T.D. 8833-1905), relates to all of the applicants in the case; that the second (I.T.D. 8723-1905), relates particularly to the case of Josie Looney et al., which was consolidated with the case of David Martin et al., and that although a motion for a rehearing in the Martin case was denied November 13, 1905, it does not appear that action has ever been taken on the enclosed motions. They are transmitted to this office in order that proper record of their filing may be made, to be returned with this office's recommendation.

Secretary:-2.

These motions for review are two of the 511 motions filed with the Department September 7, 1906, the filing of which this office was advised January 16, 1906 (I.T.D. 8237, 8239 to 8287 inclusive--odd numbers--1905, 480-1906).

All of the applicants included in these motions for review except Fred Martin and Eliza Looney, are embraced in the decision of the Commission to the Five Civilized Tribes dated March 8, 1904, in the Cherokee freedmen consolidated case of David Martin et al. D 486 et al. (now R 445 et al.), which decision was on August 18, 1904 (I.T.D. 6494-1904), affirmed by the Department.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129) relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motions so far as they relate to the applicants in the Martin case, be denied.

The Department, on September 13, 1906 (I.T.D. 881-1906) and November 18, 1905 (I.T.D. 14844-1905), denied motions for the reopening of this case.

The records of this office further show that

Secretary-8

the decision of the Commission to the Five Civilized Tribes dated March 8, 1904, rejecting, among others, the application for the enrollment of Eliza Looney, D 337- R 656, which application was embraced in the Cherokee freedmen consolidated case of Ezam Fox et al., D 808 et al., was affirmed by the Department on August 31, 1904 (I.T.D. 6786-1904). For the reasons above stated it is also recommended that said motions, so far as they relate to the case of Eliza Looney, be denied.

The decision of the Commission to the Five Civilized Tribes rendered May 13, 1905, rejecting the applicants in the Cherokee freedmen consolidated case of Lewis Martin et al., D 269 et al., which case included the application of Fred Martin, was on May 13, 1905, forwarded to the Department, where it is now pending. No reason appears for the granting of said motions so far as they relate to the case of Fred Martin, and it is respectfully recommended that the same be denied.

Reference is made to two Departmental letters of May 2, 1906 (I.T.D. no number, I.T.D. 6347 .....5705-1905), relating to the 311 motions for review herein re-

Superintendent,

Sorted No. Subject notations of the filing of these complaints have been made upon the records of this office, and the same are returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

E M B

Encl. 2-30

Commissioner

G.R.W.

DEPARTMENT OF THE INTERIOR, LEA.
WASHINGTON.

L.T.R. 7044-1906.
6641 "
6642 "
6643 "

November 6, 1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Lewis Martin for himself and his minor child, Ernest Martin; by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Maude, Sarah Ella, Rendena, Australia Goldburn, Lloyd, Ralph and Ralph Martin, including its decision of the same date, adverse to the applicants.

Reporting June 16, 1906 (Land 37861), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1906, motions for review were filed in the matter of the application of Lewis Martin et al.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will advise the local attorneys for the applicants of departmental action.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock
Secretary.

Through the Commissioner
of Indian Affairs.

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Chocoyee Creed.
Cadet.

Muskogee, Indian Territory, November 14, 1906.

Fred Martin,

Chelsea, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a Choctaw freedman, was affirmed by the Department November 6, 1906, and a motion for review of your case, filed by your attorneys September 7, 1905, denied.

Respectfully,

Commissioner.

Cherokee Freed.
D-269 et al.

Muskogee, Indian Territory, November 16, 1906.

Blue & Bulger,

Attorneys for Lewis Martin and others,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Lewis Martin, et al. as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case, filed by you September 7, 1905, denied.

For your information there is enclosed a copy of Departmental decision.

Respectfully,

Commissioner.

Enc.-1-16-L60.

Cherokee Freed.
Martin et al.

Muskogee, Indian Territory, November 16, 1906.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 15, 1905, rejecting the application for the enrollment of Lewis Martin, et al as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1905, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-2-16-LCC.

Cher. Fr. R. 967

Cher. Fr. R 967

Trans. from Cher. Fr. D658

File with [illegible] Celia Martin

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Me, I am about 64 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
A Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 18 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why doesn't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you only been lived together as husband and wife ever since 1866? A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 44 years old.

Q What district were you living in in 1896, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Coowescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1896 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 156, No. 2816, Coowescoowee district, as Louis Martin.

Ernest Martin on page 156, No. 2816, Coowescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 151, No. 2742, Coowescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.

Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I know I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Came back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty?

A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Was that your object then in coming back in '66? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldn't be counted against you? A That is what I thought.

Q How comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you has been in Kansas?

A Well, I told you one reason I didn't go: I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was working around living along with my people, with my brothers wife, Junie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept an improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you: close where my sister lives, eight or ten miles north of Chelsea.

Page

Q What was that? A I don't tell you, that has been 16 or 18 years ago.

Q Did you the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived in Chelsea on Frank Grover? A I lived some place in Vinita around north of Vinita and south of Chelsea.

Q Did you live away in Vinita at the time? A Lots of people, I don't know.

Q Enough what place was that? A I can't tell you just what place that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Moses Riley before that, they are relations of mine, I stayed at in there.

Q Where did Moses Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, some out there, no, sir.

Q Where did you live before you went to Moses Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all. I just lived here and there, where I could get in job, I never while.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went a round with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Hope Martin's on Big Creek, and another cousin of mine called Nelly Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jackson Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q There was that lady in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I cant tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '66 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '66? A Yes, sir.

Q How do you know when you got back to Kansas? A When I come to the town I knew it was Kansas.

Commissioner: How many children have you altogether? A I have have, I believe, as well as I can recollect.

Q What are their names: what is the name of the eldest one?

A My oldest one is named John.
Q How old is John? A I don't know just exactly, I can't tell, he is somewhere in thirty.
Q What is the name of the next child? A George.
Q How old is George? A George I think is thirty something too.
Q The next child? A Fred.
Q How old is Fred? A He is 24 or 26, I just can't remember. Their ages, I haven't got them down.
Q What is the next child after Fred? A Albert.
Q How old is Albert? A He is about 21 years old.
Q What is the next child? A He is about 18.
Q What is his name, Ernest? A Yes, sir.
Q What is the child you are applying for? A Yes, sir.
Q Where was John born? A John was born in Kansas.
Q Where was George born? A In Kansas.
Q Where was Fred born? A In Kansas.
Q Where was Albert born? A In Kansas.
Q Where was Ernest born? A Out here near Chelsea.
Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
Q Where is your house? A My house is out about three miles north of Chelsea.
Q How long have you livedthere? A 13 or 14 years, as well as I can recollect.
Q Been living there in that one house? A Yes, sir.
Q Did you ever keep house before that? A No, not always.
Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
Q Have you any children of your own I mean, you and this wife?
A Yes, sir, I had one.
Q That one is dead? A Yes, sir.
Q What was the name of that child? A She was named Eliza.
Q How old would she be if she was living now? A I can't tell you, she was born before the warf.
Q She was older than John? A Yes, sir.
Q Where was she born? A She was born here in the Territory before the war.
Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
Q Is she the child of this woman Sarah? A No, sir.
Q Child of another woman? A Yes, sir, she is dead.
Q That is the first wife you had? A Yes, sir.
Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have. I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
Q To Kansas? A Yes, sir, her mother lived there.
Q Sometimes you would take her? A No,,I never took her myself nary a time.
Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.
Q Well do it? A Well, I will tell you.
Q Give me the names of the places and the times you have lived at these places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

their grandmother, the biggest part of the time.

Q I am talking about you too? A . Maybe I was here working around and sometimes I would work up there in Kansas, I would work about two months or three months and I would come down here.

Q Have you had any settled abiding place at all? A No, sir, not a year at a time.

Q Have you not been stationed at one place for several years?

A No, sir, not since 1880, no up till 1880, no, sir.

Q Not found staying on such as one year on a place? A Yes, I have stayed as much as a year.

Q How many times have you stayed at some place as much as one year?

A Many a time but once.

Q When was that? A I can't tell you the year at all, it has been some time ago.

Q Was it before 1880? A I think it was as well as I can remember.

Q Just working from pillar to post? A Just worked where I could get a job.

Q And your wife not going around on these little trips with you?

A No, sir.

Q Did you ever vote up there in Kansas? A No, sir.

Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.

Q Who is there here? A Tobe Bean.

TOBE BEAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Tobe Bean.

Q How old are you? A About 52 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Been living here all my life.

Q Do you know this applicant here, Lewis Martin? A Yes, sir.

Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Sarah.

Q Was this man ever married except to this woman? A Yes, sir.

Q How many times? A Once is all I know of.

Q Was that wife dead when he married this woman? A Yes, sir.

Q About how long have he and this woman Sarah been married?

A Must be thirty some odd years I guess.

Q Have they been living together ever since as husband and wife?

A Yes, sir, to my knowing.

Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.

Q Where is she at that time? A She is up on Panther Creek.

Q How long has she been living out there? A I don't know how long she has been living there.

Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.

Q Has she been living there long? A Yes, sir.

Q Is she keeping house out there? A Yes, sir.

Q Who lives there with her? A Mr. Martin here and his family lives there.

Q Any children living there with them? A Yes, sir.

Q You don't know how long they have been living out there?

A No, sir, I don't know exactly.

Q You think that is twenty miles or some such matter from Vinita?

A Yes, sir.

Q Have they been living there as much as five years? A Yes, sir, longer than that I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? I live out east here and he lives east out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say along for the last twenty years, seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good place where he may him pretty often.

Q What do you know about his doings along from '66 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '65 or '66, since the war closed? A Out on Pryor Creek I reckon, but he lives a good place from me, I havent been keeping the run of him: I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person has equitable rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your applicantion. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

[illegible] the applicant stated that he was only [illegible] and that [illegible] was married in the Creek [illegible] and will now be listed for consideration as a Cherokee freedman on a doubtful card.

[illegible] Martin, said to be 14 years of age, and living, is identified on the Commission roll, but not upon the census roll of 1896. This child will now be listed with his father and mother as a Cherokee freedman on a doubtful card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this 16 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

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Supplemental Testimony

To be filed with C.F.D 229

Mellette & Smith for applicant

W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WEST WEST, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George West West.
Q Where do you live? A On Verdigris River, Coower coowee district.
Q In the Cherokee Nation? A Yes, sir.
Q Are you on the 1896 roll? A Yes sir.
Q Do you know Lewis Martin? A Yes, sir.
Q How far does he live from Chelsea? A I guess about three miles.
Q About how long has he lived there? A I don't know how long.
Q How long have you known of his having lived there? A Since about '78 I think.
Q Were you asked to testify in his case at Vinita? A Yes sir.
Q Did you go there for that purpose? A Yes sir but he never went into the tent to testify while I was there, I was on the jury as court and had to go back to court.
Q How long have you known Lewis Martin? A I had seen him a time or two, he came in the nation I did in '66.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q When was that? A In '66.
Q Was this man Lewis Martin one of the parties that was with you?
A Yes, sir, at Hower Creek battle.
Q What do you mean by the Hower Creek battle? A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I don't know, the all run off.
Q Where was that fight? A On Howes Creek, in the Cherokee Nation.
Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.
Q Where? A Spring creek.

Q How long did it take you to go from Skyro down to where you lived in Delaware County? A I don't know exactly, though it was about a day and a quarter.

Q How long did you stay at your place? A Just one day.

Q Where did he go from there? A He said he went to Kansas. I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The last time you saw him was when? A The last time I saw him was out here on Yn.

Q Where was that? A In the Territory.

Q Where had he been since that? A I have seen him in Cooweescoowee district off and on since.

Q Near what place? A Chelsea.

By F.P.Hastings for the Cherokee Nation:

Q How old are you? A 61 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my uncle Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas came you when you started back here? A Franklin county, near Garnettsburg.

Q Who did you say came back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Gloria Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Betsy Vann, Bill Sanders, Robin Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Beets Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tom Bean was shot through the arm, a flesh wound.

Q About what part of Horse creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Weiss, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weiss.

Subscribed and sworn to before me this the 12th of June, 1901, at

Atoka

Choctaw, I. T.

Signed W. H. Dunlap,
Commissioner.

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Frank S. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that the same is a true and correct copy from the originals.

Edward B. Jones

Sworn to and subscribed before me this the 22nd day of August, 1901.

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 16th 1901.

Mellette & Smith, Attorneys for the Applicant.

W. W. Hastings, Cherokee Attorney.

In the matter of the application of Allie Martin for the enrollment of himself as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Allie Martin.
Q How old are you? A. 21.
Q What is your post office address? A. Chelsea.
Q In what district do you live? A. Tahlequah.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Are you married? A. No sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.

By Mr. Smith-

Q Who is your father? A. Lewis Martin.
Q Where does he live? A. 3 miles North of here.
Q What is your mothers name? A. Sarah.
Q Do you know John Martin? A. Yes sir.
Q Is he your brother? A. Yes sir.
Q Do you know Fred Martin? A. Yes sir.
Q Is he the applicant who made an application just before you did? A. Yes sir.
Q How far and in do you live from him? A. 3 miles.
Q Who do you live with? A. My father.
Q How long have you been living there? A. 13 or 14 miles, somewhere along there.
Q Do you remember where you lived before you lived there? A. At Vinita.
Q How old do you say you are now? A. About 20.
Q Do you remember where you lived before you lived in Vinita? A. No sir, I just do remember of being on Prior Creek.
Q Are you on any of the Cherokee rolls? A. Yes sir.
Q Kern Clifton roll? A. Yes sir.

Kern Clifton roll examined and the name of applicant found thereon-Page 158 No 3917 Alling Martin, Tahlequah.

Wallace roll examined and the name of the applicant found thereon as follows: Page 131 No. 2746, Albert Martin, Tahlequah district.

By the Com'r-

Q Not your proper name is Allie is it? A. Yes sir.

By W. W. Hastings-

Q How old were you when you came from Kansas? A. I dont remember.
Q Were too small to remember were you? A. Yes sir.
Q You were born in Kansas? A. Yes sir I guess so.

Allie Martin N.

Applicant not found on the 1896 and 1898 rolls.

By Com'r Beaulieu,-

Allie Martin applies for himself; he cannot be identified on the authenticated roll of 1896 or the census roll of 1896; he is identified on the Kern Clifton and Wallace rolls; he swears that he is the son of Harris Martin who has been listed for enrollment as freedman by Ford 266, and the testimony taken in said case is hereby referred to and will be made a part of the record in this case and a copy thereof filed herein. The said Allie Martin will be listed for enrollment as a Cherokee freedman on a doubtful card and will be notified as to the final result by mail.

. . . . . .

Chas. Von Weise, being sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas Von Weise

Subscribed and sworn to before me this the 24th of ~~May~~ June, 1901 at Nowata, I. T.

Commissioner.

Commissioner [illegible]

Q. You are a senator from [illegible] district? A. Yes, sir.
Q. You have been senator before? A. Yes, sir.
Q. Been Sheriff of your district? A. Sheriff one time and senator two times.

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Mr. Hastings: I desire to offer this testimony in the Arthur Hess case, D-312; Joseph Bean, D-216, Lucy Bean, D-290, Lewis Martin, D-289; and Fannie Wright, D-307.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

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Sworn to and subscribed before me this the 13th of August, 1901.

Commissioner.

K

File with Cherokee Freedmen, Dockets [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 19, 1906.

In the matter of the application of Tobias Hom et al. for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants
W. W. Hastings, of counsel for Cherokee Nation

JESSE COCHRAN, being duly sworn by Commissioner Kendrick, testified as follows:

Mr. Hastings: What is your name? A Jesse Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '66? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob Knight, who is a witness here in this case
A No, sir, not that time
Q You didn't know him then? A No, sir.
Q Do you know him now? A Yes, sir
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schlinghat place, and couldn't see any track of a wagon, which I thought he had got and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th of 15th of December.
Q Of what year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand River?
A In the spring of '97.
Q By the time, did you hear of any fight taking place near my home on Grand in the Cherokee Nation?
Mr. Wallette: I object to the question as not material in this case. It is hearsay.
Mr. Hastings: It is a collateral one that conceivably might be admitted.
Commissioner: I don't think that is a material question.
Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1897, the fall that I went down to Pecan Creek in the place, a man by the name of Hand was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the fight place in '97? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not. In the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Willis Frye when your father was killed in October of 1896? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.
Mr. Wallette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '96, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the fight place: what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Were you well acquainted up in that country? A I was, yes, sir.

Q Up there that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country?

A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Sam Lapdrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the first time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did?

A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it? you didn't have to get back? A No, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him?

A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you ~~xxxx~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.

Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this freedmen court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton Court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified in the same case before the Circuit Court you testify to now? A Yes, that as near as I can remember.
Q What do you know about it? Do you think you gave the same testimony that you do now? A I do.
Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir. I knew just about what time, I didn't think to say.
Q What year was it? A It was in '88.
Q You are certain of that? A Yes, sir. I let him have the whisk-e to get drunk on.
Q Well how you know it was in '88 that Moses Been shot Al Lynch do you, Moses Whitmire shot Al Lynch? A Yes, sir.
Q You went and telling some People that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.
Q Didn't you go down to Dave Rowe's and tell them Moses Whitmire had shot Al Lynch? A No, sir.
Q You didn't? A No, sir.
Q You are certain of that? A Yes, I had nothing to do with it.
Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.
Q You will swear that? A Oh yes, I never carried any such news.
Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.
Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.
Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?
Q How close is it to your? A It is 20 or 25 miles.
Q Do you remember being down there in '88? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.
Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.
Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.
Q What is your age? A 54.
Q Where do you live? A Now, I live in Vinita.
Q How long have you lived there, a number of years? A 23 years.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q Did you live in the Cherokee Nation before the war? A Yes, sir.
Q You lived in the Cherokee Nation after the war? A Yes, sir.
Q Where was the first place that you lived in the Cherokee Nation after the war? A On Neosho Creek.
Q What district is that in? A Delaware district.
Q Was there any road that run by your place at that time? A The old military road, we used to call it.
Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.
Q Where were you taken? A Van Buren.
Q What were you charged with? A Killing some Negroes that was passing down the road there.
Q Well, had some Negroes passed your place prior to that time?
A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two negroes was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been forty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A No.

Q Well, who?

Mr. Mellette: Hold on. Did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to John Bear here afterwards? A I don't remember that I ever did talk about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house --

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my House?

Q Yes? A A young man by the name of Jim Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1887, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bear has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, anything he was the fellow shot in that fight in '66, and probably I remembered that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was some back, the applicant?

A Yes, sir; I think that is the record, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew the name, but I didn't know him. I could have pinned him out.

Mr. Mallette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The men I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Blackjacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek.
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Perry Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Wellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson county.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come? Come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Were they were troops come from Van Buren, did they? A That was what they said.

Arkansas? A Yes, sir.

Q Pulaski County? A Yes, sir.

Q Don't you know there were one company troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops did right, did you? A I did.

Q How many? A Seemed to me like about 50 of us.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred? When was that first called to your attention Mr. Trotti, since the Freedmen Court has been in operation?

A No, Sir, I have heard of it all along.

Q I know, but there hadn't a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know. I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know. It was the general talk through the country after it was fought, after the fight.

Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept it in in my mind, I was not there in the fall of '65 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir; '65 I meant to say.

Q The winter of '65; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '64 or '65? A '65.

Q What month in '65? A I don't recollect the month.

Q Was that in the first part of '65 or the last part of '65?

A I don't tell you exactly.

Q You don't know it be three or four or five or six or ten months when that fight took place? A It was in the winter of '65.

Q There is two winters in the year 1865, the first part of '65 is the winter and the last part of '65; was it the first part of '65 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I didn't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.

Q There has been about three years difference.

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C. W. CLARK, being duly sworn by Commissioner Rogers, testified as follows:

Mr. Rogers: What is your name? A C. W. Clarke.

Q What is your age? A My coming birthday, I will be 89.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You served in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Allis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Rogers: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

Commissioner

T. J. MONKE, being duly sworn by Commissioner Hoodlee, testified as follows:

Mr. Hastings: What is your name? A T. J. Monke.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live here during the war? A Born in 68.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Rose place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, rig t sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Rosser place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Rosser place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the farm, he was a major federal, or something, in the confederate army. He came home during the summer, I think in June, and took sick suddenly and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '58, I was 14 I believe in '68.

Q About 14 years old? A About 13 in '68 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1868 and came up here and went on to the Bower place in February, 1869? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Grand Saline place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes. When did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 56 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q Did you know about this fight in 1868 when you heard of a fight between some darkies and white people? A Allow me to tell you: that [illegible] in the summer, a man brought a mare to our house, [illegible] and my brother to take care of it, and right there and [illegible] about this fight, did you hear of this fight up [illegible] a lot of black people getting killed: I remember it well, [illegible] who done the killing, but didn't call any names, but [illegible]

Q [illegible] where the man that brought the mare or colt to [illegible] A [illegible]

Q [illegible] how old you have another? A I think about 15.

Q [illegible] anybody else that has brought a horse to you [illegible] A No sir. I didn't have any horses then.

Q [illegible] any horses at all? A No, sir, didn't have any horses at all.

Q [illegible] shooed the peay on the Bower place? A Yes, sir.

Q [illegible] you fame with? A A little poke or stage.

Q [illegible] What position do you hold now, if any? A Senator in the Cherokee Nation.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Filed with Cherokee Freedmen. D-[illegible], Allie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1903.

In the matter of the application of Lewis Martin et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellott & Smith, attorneys for the applicant;
T. M. Hastings, of counsel for Cherokee Nation.

Lewis Venn, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Lewis Venn.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I can just guess at it, but then that would not be correct, but I think I am somewhere along about '68 or '70, I don't know.

Q What is your post-office? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Venn? A I lived right on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of Lewis Martin? A Well, I heard of his name but I knew his parents all right, his father and mother, but then to say well acquainted with him, I never got well acquainted with him till he came up here to Kansas.

Q You don't mean here to Vinita? A No, sir, up in Kansas I am acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was Harry.

Q What was his mother's name? A Celia.

Q Well that is the one I went to talk about; when did you know him in Kansas? A Well now there is something that I don't know right exactly, but I knowed him ever since I was here in Kansas, and I have been up in Kansas ever since '68, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was living with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what he was doing right then, but he learned the blacksmith trade then after that; I can't say right then, but he learned the trade of a blacksmith.

Q What place in Kansas was that? A It was just right above, about a mile from Mapleton I reckon, I don't suppose it would be any further than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when he left there at all; he bought a place there right close, not very far from Mapleton, and he raised one crop on it and he sold it out and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right there not far from Mapleton, I knew the folks, the woman's father and mother, well the mother anyhow, I knew her well after he married her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw him there once after that.

Q Well about how long after that? A Now sir that I can't tell

How long it was that I saw him there.

Q Did your son marry? A My son was married then.

Q Where was he living? A He was living with me when he got married, and then he moved up to Ottawa, and he wasn't there very long before his wife got sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I goes after her, and I send up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kinder guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I aint seen his since he was just about so high (indicating) and came off here to the Nation.

Q You don't have no idea when the child was born: as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child: have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date: what is your best judgment as to his age? A If I knew how old it was when Iwent up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there: had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that,I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think;

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

and showed me his arms.

Q How do you know he just made the line, is what I am trying to get at, and not some of those things came? A I don't know that. Only he said the Indians came and shot while he was home where he lived, he said his stepson, he said his father came home to make a crop and then he came. He said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Dalliens court was here? A Yes, sir, first time I saw him I came down to the Dalliens court.

Q When you say I had when Dalliens made that roll, do you know anything about that roll? A No, sir, I don't.

Q Don't know who made it at all? A No, sir, don't know a thing about it only he says that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourbon County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation; went from down here at Choutean Station.

Q There wasn't any Choutean Station then in '66? A No, sir, it has been put there since; I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1859? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '59; when that man told me that I came here in '62, that is how come I say I come here in '62; he said I come here in '59 because I came have a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this man that said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after. I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself: do you know where he was when the war closed?

A I didn't say I know that at all, but I know he was living there when I came, when I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '66? A No, sir, it isn't any more use for you to ask me about '66, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing scrape down here in the Cherokee Nation shortly after the war?

A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you come down here at the Wallace Court, where was

Lewis Martin moved to the Cherokee Nation, near what place? A Why I didn't catch it and then went a little farther, to where there is a place of [illegible] there, some distance.

Q A mile from Tahlequah? A I don't think it was over a mile. It might have been [illegible] out, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you happ[illegible] to call? A I think I went in his wagon I think. I don't remember exactly how I went out but I went there all right, said I went to his house.

Q You don't know how long different times Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at that time that I used to live there he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

W. E. Kyrick, being duly sworn and examined by Commissioner Brookington, testified as follows:

Q Give me your name, please? A W. E. Kyrick.

Q How old are you? A I am 64 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Kyrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man to located, I know know a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q How about what length of time did he work for you? A Well I think it was about 4 couple of years.

Q Throughout period of years? A About '63 and '64.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was with you. He was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you remember Lewis and Harriet? A Well, I wouldn't say what I do, he married them but it is kind of a dream, I am not positive. Of course I was well acquainted with his wife but it has been so long and not seeing any [illegible], I would not be positive that I [illegible].

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa. That is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or ten years afterwards when I saw him.

Q How do you mean that that was from six years -- A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa. He and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q. And that you saw him five or six years after that after he went to Ottawa? A. Yes, sir.

Q. Do he thinks he was living there at that time? A. At Ottawa.

Q. Did you ever see him before that? A. No, sir, not as I know of.

Q. You live at Vashonia? A. Yes, sir.

Q. How did you come to recognize you time, say between '72 and '77? A. Yes, sir.

Q. Where was you? A. I was in the Rocky Mountains.

Q. Do you remember Lewis' mother? A. Lewis' mother, fellow.

Q. What is about I want to know, to identify him? A. Yes, sir. I was well acquainted with him for a number of years.

Q. Where did you see him five or six years after he left Mapleton that you speak of? A. I saw him between my house and Mapleton and just met him on the road and hardly addressed him and asked him some few questions, I don't know what, in regard to where he was. He was kind of a preacher then, I think; he told me he was living at Ottawa.

Q. And he tell you what he was doing? A. I don't know, I think that he was running a blacksmith shop.

Q. You are not positive about that? A. No, I wouldn't be positive.

Q. Did you ever see him after that? A. No, sir, I never saw him after that.

Q. You say that during the last years of the war he worked for you in a shop? A. Yes, sir.

Q. What were you doing, Mr. Myrick, along the closing years of the war? A. Why I was running a mill there and was making flour for the government, I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lebanon.

Q. And Will Martin was Lewis Martin's brother and lived with him? A. Yes, sir.

Q. What was Will Martin's wife named? A. Neatie.

Mr. Smith: Mr. Myrick, I believe you stated it was in '62 or '4 that this man was working for you? A. Yes, along about that time.

Q. Well, where was he in '65? A. I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.

Q. Well you don't know that where he was in '65? A. No, I can't say where he was in '65.

Q. Where was he in '68? A. I don't know, sir.

Q. You know what year it was that he went to Ottawa? A. No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q. About what year was it that you last saw Lewis Martin? A. That I saw him last, last saw him?

Q. Last saw him at all? A. After I saw met him coming from Ottawa, oh it must have been five or six years afterwards.

Q. Five or six years after the close of the war? A. Yes, sir, must have been five or six years after the war.

Q. You haven't seen him in that country since? A. No, sir.

SMITH EWING, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A. Smith Ewing.

Q. What is your age? A. I am going on 81.

Q. Where do you live? A. Ottawa.

Q. Kansas? A. Yes, sir.

Q. How long have you been living at Ottawa, Kansas? Q. Went there in '68, 1868.

Q. Did you know a colored man by the name of Lewis Martin? A. Yes, sir.

Q. Where did you know him? A. In Ottawa.

Q When did you first become acquainted with him, first see him, there? A In '67.

Q What time did you go to Ottawa in '67? A Went there in March.

Q Did you after you went there see Martin before you saw Lewis Martin? A Well, we saw him, I am not certain which that it was among in April or May.

Q About time after you went there? A Yes, sir.

Q Mr. Wright, do you know this man? A Yes, sir.

Q Was you in the courtroom? A Yes, sir.

Q Do you know any of the witnesses? A Yes, sir.

Q You remember the witnesses? A Yes, sir.

Q Where was Martin? A They was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you stay in that town? A I knew him four or five years there, maybe longer. I don't know exactly the time that I did know him, I didn't pay heed to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, do you know? A No, he didn't have any brother there.

Q Did he have a father, do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since. I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Walsh: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was about from '67 up for four or five years after '67?

A Yes, it was after '67.

Q Going that date up you have never seen him? A No, sir, I have never seen him.

Commissioner: You say you first saw this man in '67? A Yes, sir.

Q Where did you live in '66? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q Still at Ottawa? A Yes, sir.

Q You know where Martin was in '66? A No, I don't know where he was in '66.

Q What brings it to your mind that it was '67 that you saw him?

A Because I moved to Ottawa in '67.

Q You know that? A Yes, sir, and there is where I saw him.

Q You recollect dates do you? A Yes, I recollect dates, yes.
Q What year is this? A It is 1920.
Mr. Hastings: Is this the year 1920? A Yes, sir.
Q Well, I think, it is nineteen twenty, I don't know whether you [illegible] or not. You know I am no educated man.
Commissioner: Where were you living in 1865? A Ottawa.
Q You were living there ever since '67? A Yes, sir.
Q Living there now? A Then I am at home that is right there I live.
Q Your family there? A My family is all dead; well I have no family of my own yet.
Mr. Hastings: Do you know what year the war commenced? A Yes, sir
Q What year? A 1861.
Q What year did it close? A 1865.
Q How long after the war closed before you went to Ottawa?
A Why I went to Ottawa in 1867.
Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. Hessong, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A D. J. Hessong.
Q What is your age? A I am 51 years old.
Q What is your postoffice? A Mapleton.
Q Kansas? A Mapleton, Kansas, yes, sir.
Q How long have you lived there, Mr. Hessong? A I have lived there since '67, have lived there about 44 years.
Q Do you know a colored man by the name of Lewis Martin? A I did.
Q Where did you know him? A In Mapleton, Kansas.
Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.
Q Do you know where he came from up to Mapleton? A I do not.
Q You never heard him say? A Never heard him say.
Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back u there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, along there.
Q About how long did he stay there? A Well, when he came back there I am pretty certain it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.
Q When did you come back? A I came back that fall and winter, winter of '77.
Q Did you know Martin's wife? A Yes, sir.
Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.
Q Did you know his brother? A Will?
Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.
Q What was Will Martin's profession? A Blacksmithing.
Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.
Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.
Q Well, was his family with him when you knew him there in '76?
A Yes, sir, she lived right in town.
Q He worked in a blacksmith shop? A Yes, sir, him and his brother

run a shop there in town.

Q You haven't seen him since? A I have not.

Mr. Smith: Mr. Woodson, you don't know where he came from when he came to Mapleton that time? A No, sir.

Q You don't know where he had been living before he came there? A No, sir.

JOHN CROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Cross.

Q What is your age, Mr. Cross? A 68.

Q Where do you live? A Mapleton.

Q Kansas? A Montgomery County, Yes, sir.

Q How long have you lived there? A I lived there since '62.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you meet him? A Well I know him in about, let's see, must have been '73 or '70, right along there sometime; of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you meet him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know his mother's name? A I did, but I don't remember it now; Celia? no, it wasn't Celia, I don't recollect it.

Q Well, did you know his brother? A William?

Q I am asking you? A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seed him since.

Mr. Smith: So, Mr. Cross, as I understand you, you knew this man then about '62? A Why that is when they first came there, I think about that, but still I wasn't - -

Q Do you know whether he married there at Mapleton? A No, I do not, I don't know a thing about it.

Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not

Q Well, now you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

about that? A I don't recollect of meeting him till he came there and went to work in the blacksmith shop.

Q Did anyone ever tell you that you killed this man from there? A No, I don't remember, I didn't pay no attention to it at all.

Q Didn't they chase you and shoot? A Why I expected, yes.

Mr. Hastings: Do you have any distinct recollection about the night that you claim this fight there? A No, I do not.

Q You didn't well acquainted with him then? A No, I wasn't well acquainted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Mr. Smith: You were on the stand this morning in this case; were you? Yes? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1888 in the Cherokee Nation, the Nerse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I knew that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ended, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this manleave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Was else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Hapleton, in Bourbon County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Why don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he came.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but ever since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q Did anybody that left us there come back, any of the colored people? A [illegible] Q Something I don't know either because I have all the [illegible] was with them, they went on after they got killed, they just [illegible]

Q Did any of those that left Wagons at that time come back to Wagons? A I can't tell you not anything about that, sir, no, sir, I can't.

Mr. Hastings: You were out in the fight? A No, sir, I was at home [illegible] and heard people talk about it.

Q All you know about it is the part that you heard? A Yes, sir, about they killing the [illegible] opening band.

Q I believe you testified also positively you didn't know a thing about Coker being wounded, didn't you? A Well, I don't.

Q You didn't know it into this morning? A I don't know no dates about nothing about that but when anybody came up about the name of anyone that I knew of course I knew them, but then to come to dates I don't know no more than I said.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-656, D-657, D-658, D-911, and D-[illegible].

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Bruce C. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

Commissioner.

File C17 Cherokee Freedmen D-400, Allie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Allie Martin for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.
Q How old are you, Mrs. Brown? A I don't know my age exactly.
Q Give an idea? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.
Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some menn came to my house to stay all night.
Q Who were they? A Kinch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where was that? A Somewhere on the Military road near Howes

Creek.

Q How far was that from your house? A Maybe [illegible] miles.

Q You said you said, Mrs. Brown, that Sarah Boyd and his crowd came to your house and you heard of this killing of the colored people? A Well of 'em, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1870? A Well, I could tell as I was in '69, about three weeks before Christmas, and I was in a delicate condition and the boy was born the 26th day of May, 1870, and this was the fall following.

Mr. Vantrees: Did you ever have any other children born? A Yes, sir.

Q Many? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you what.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q How do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Rowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '68.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Did you ever see the Knight up to that time? A No, sir.
Q You didn't ever know of that town, the Knight place? A I had passed the road.
Q You saw those folks there? A No, sir.
Q You didn't see them? A No, sir, I don't call it.
Q You never saw any of these folks at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Did it occur at the Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Selfe.
Q Is he alive? A No, sir.
Q Well, another one? A Ben Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I don't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, those I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-889, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

C. R. Breckinridge

Commissioner.

[illegible] I lived there in '66.

* * * * * * * * * * *

This will be filed in Cherokee Freedman Cases, D-289; D-656; D-657; D-658; D-811; D-940 and

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Chas. von Price, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Price

Subscribed and sworn to before me this the 24th of October, 1901.

T. B. Blackstone

Commissioner.

Recd

Office of the Dawes Commission

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October, March [illegible].

In the matter of the application of Lewis Martin et al., S. F. [illegible]

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for Cherokee Nation.
Mallette & Mason for applicant.

R. G. MORROW, being first duly sworn by Commissioner T. B. Needles, testified as follows for the Cherokee Nation:

(By Davenport.)

Q What is your name? A R. G. Morrow.
Q How old are you? A 44.
Q What is your post office address? A Ottowa, Franklin County.
Q How long have you lived there? A Since June, 1888.
Q Since you have been living at Ottowa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.
Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin? A In '88 or '90.
Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottowa, on Poplar Street.
Q How long did they live there after you became acquainted with them? A About four years.

(By Smith.)

Q What was the oldest one of his boys? A Will.
Q Which is the next oldest? A John.
Q Which was the youngest? A Fred.
Q What did the old man do there? A He was a blacksmith.
Q Do you know why that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.
Q How do you know? A From what I heard.
Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.
Q I ask you if you are swearing from what you know or from what you have heard? A I dont know that he has applied, positively, I just heard he had.
Q Then you dont know positively that the man you are swearing about is the man that has applied or not? A No sir I dont.
Q You didn't know him until '88 or '90? A No sir.
Q Where did he come from to Kansas? A He came from Marietta to Ottowa.
Q Where did you come from to Ottowa? A I came from Brown County, Indiana.
Q Did you ever live in Emporia Kansas? A No sir.
Q Was Ottowa the first place you ever lived in Kansas? A Yes sir.
Q Have you never been away since you came there? A Only for two or three months at a time.
Q You have never seen Lou Martin since '70? A Not since he left there.
Q When was that? A I'm not [illegible].
Q How long did you say he lived there? A I was acquainted with him four, five or six years.
Q Was he there when you got there? A No sir, three or four years after I got there he came there, maybe four or five years after.
Q Which was it, three or five? A I didn't keep any track as to when he came, but it was from '88 to '90 some time along there when he

[illegible] I hereby [illegible] to [illegible]

[illegible]

This will be filed in the [illegible] Court, Dyer; [illegible]; [illegible]; Lopez; Bell; [illegible] and

[illegible]

[illegible], the [illegible], being first duly sworn states that he stenographed in the Commission of the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein;

[illegible]

Subscribed and sworn to before me this the [illegible] of October, 1901.

[illegible]

Commissioner.

[illegible] year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a kid of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken by Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case [illegible] and in D-212, D-215, D-290, D-207, D-[illegible], D-[illegible], D-[illegible], D-311, D-340, and D-641.

[illegible] Jones, being duly sworn, says that as stenographer to [illegible] he correctly reported the

File with Cherokee Freedmen Roll, Miscellaneous.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 20, 1902.

In the matter of the application of Jordan Adam et al, for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:
Mallette & Smith, attorneys for applicants;
T. M. Hastings, of counsel for Cherokee Nation.

W. B. ROWE, being duly sworn by Commissioner Kennedy testified as follows:

Q What is your name? A W. B. Rowe.
Q What is your postoffice, Mr. Rowe? A Rowe.
Q What is your age? A 62.
Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Were you out of the nation during the war? A No, sir.
Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.
Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.
Q Did you know a colored man named George W. Vann? A Yes, I know George.
Q Which George is it you know? A I know George Vann, lives on Spring Creek.
Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir. Spring Creek George.
Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.
Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.
Q What knowledge have you that they were killed? A What knowledge have I?
Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw Bullet holes in them.
Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.
Q Who were the men? A Well I don't just recollect the names, but I think one was named Full something, I heard the name, a fellow that I didn't know.
Q Were they colored men? A Yes, sir.
Q Who helped to bury them? A A whole lot of colored fellows buried them there.
Q Can you think of those whose names you remember? A There was Colbert Vann, Kit Vann, George Vann, Joe Bean, and a good many men I don't recollect.
Q How many more do you think there were besides those you mentioned? A I don't know, I never counted them.
Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.
Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George? A Yes, Spring Creek George was there.
Q Was he one of the men who helped bury those colored men?

A Yes, sir.

Mr. Partridge: You are not positive, are you Mr. Bone, as to the reply. I think the best of my knowledge, that it was 'ed.

Q That be just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was 'ed.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Such a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Choctaw Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-811, D-840, and D-641.

Stenographer's Certificate

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

Z 1638

COMMISSION TO THE UNITED TRIBES
FILED
APR 14 1902
ACTING CHAIRMAN

To be filed with C. T. [illegible].

B

C.T.M.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1903.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
F. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that came in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that came and told you about the fight and said they had a shot man in the wagon was none one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Art you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order: I wrote an order for Sam Smith for George Vann to kill cattle.

Q That year was that? A That was '66. I wrote the order myself. I remember making the order for more, I was elected school superintendent.-

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q That information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q That year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Clarence to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q And I sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

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I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

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Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur H. Lovenger

Subscribed and sworn to before me this 18th day of April, 1902.

Philip H. Ruter

Notary Public.

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Chero. C. F. Dens.

E.
E. T. Smith.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 8, 1907.

Supplemental testimony and proceedings in the matter of the application of WATTIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:
Mallette & Smith, attorneys for applicant.
W. S. Hastings, attorney for Cherokee Nation.

Z. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A Z. J. Clayton.
Q What is your age? A I was 58 years old the 23d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 18th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I know them until 1878, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen himthere, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1878.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which. 1.

Q [illegible] was?
A [illegible] they brought him and brought him here, but did not [illegible] him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left here.
Q When was in 1866? A Yes sir.
Did you know him continuously from 1867 to 1866.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Did you know Doyle's sister? A Yes sir.
Do you know who he married?
A [illegible] by the name Hannah Duncan.
Do you know a brother of Oneadie Martin's, Jack Bean?
A Yes sir, I know him too.
When did you first know him?
A It could not have been later than the middle of September, 1867.
How long did you know Jack Bean? A He left there in 1868.
Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
He had a family? A Yes sir, he said he had, I never seen his family so I know them.
Did you know a colored man by the name of Tobe Bean?
A Yes sir He was a brother to this Martin's wife, he said
How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneadie, worked together in the shop in the fall of 1867? A Yes sir,
Q Louis worked with you? A Yes sir, Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstance that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneadie Martin.
Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she come to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
Q Where was Oneadie Martin in 1867?
A Lived on Roach's place, right south of Mazleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866. E.

Q When did you move to Kansas? A Moved in 1867.
Q You Beadie Martin in Kansas? Did you see them? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago has it been? A Since last?
A Thirty-three or forty years.
Q When were you first asked to remember back that far as to these people?
A Never asked to remember back to these people.
Q When were you first talked to about being a witness in this case?
A About two or three hours ago. You mean about this Beadie Martin case, two or three hours ago.
Q When were you first asked anything about any of these children people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole slough more of them that live there.
Q How do you remember their names so distinctly?
A They worked for me. This Beadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at so e time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think He left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-390, D-412, D-305, D-289, D-656, D-657, D-658, D-911, D-940, D-304, D-315, and in the case at bar.

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I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

S. Wm. Hutchinson.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Transcript 9 [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1906.

In the matter of the application of [illegible] for enrollment as a Cherokee freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 656, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Martin, D 658;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings,

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 21st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

A. T. M.
D. S. L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Martin, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

| | |
|---|---|
| Lewis Martin, et al., | Cherokee Freedmen D-[illegible], |
| John Martin, | Cherokee Freedmen D-[illegible], |
| Fred Martin, | Cherokee Freedmen D-[illegible], |
| Allie Martin, | Cherokee Freedmen D-[illegible], |
| George Martin, | Cherokee Freedmen D-[illegible], |
| William Martin, et al., | Cherokee Freedmen D-[illegible]. |

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Lewis Martin for himself and minor child, Ernest Martin, and wife, Sarah Martin (by intermarriage); by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; and by William Martin for himself and minor children, Maude, Sarah Ella, Bandora, Australia, Goldburn, Lloyd, Ralph and Ralph Martin. As the said Sarah Martin is differently classified, her rights to enrollment will not now be passed upon. Copies of the testimony taken at different times and places in the cases of Tobias Bean, et al., C. F. D.-[illegible], Hattie Martin, C. F. D.-[illegible], and Fannie Wright, C. F. D.-[illegible], are filed herewith and made a part of the record in this case.

The evidence herein shows that the applicant, Lewis Martin, was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion he went out of the Cherokee Nation, and did not return thereto and establish a residency therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Robert Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The other applicants herein are the children and grandchildren of the said Lewis Martin, were born since the commencement of the Rebellion, and possess no rights to enrollment other than as his (Lewis Martin's) descendants. None of the

applicants herein can be identified on the Cherokee Authenticated Tribal roll of 1896.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Martin, Ernest Martin, John Martin, Fred Martin, Willie Martin, George Martin, William Martin, Hunter Martin, Sarah Ella Martin, Rosalene Martin, Australia Martin, Goldtown Martin, Lloyd Martin, Ralph Martin, and Ruth Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

MAY 13 1905

ND 658

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 1901

Given under my hand this _____ day of _____ A. D. 1901.

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the _____ day of _____ 1901.

SEP 18 1901

William Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A.D. 1901

_____

Subscribed and sworn to before me this _____ day of _____ A.D. 1901.

_____
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20 1901

# NOTICE!

*IN THE MATTER OF* the application of ~~Allie Martin~~ for enrollment as a Cherokee citizen:

Case No D 658

To ~~Allie Martin or Mellette & Smith her~~ Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 3d at 8 o'clock A.M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1[illegible]

L B Bell

M. M. Washington

*Attorneys for the Cherokee Nation.*

K 21636

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Allie Martin,
4 Chelsea, I. T.
Cherokee-F-D-658.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR

# CHEROKEE FREEDMEN.

Date JUN 14 1901

Post Office [illegible]

Dissent [illegible]

1. Name Ellen Martin Age [illegible]

Owner's name Citizenship

Year [illegible] Page 58 No. 3917 District [illegible]

Parents:

Father Lewis Mathushing Citizenship

Mother Sarah [illegible] Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Doubtful

Application made by Mother Stenographer Chas. von Wesse

Enrolled as Ellen Martin

" Wallace. Page 131 # 2746 - Albert Martin Laws

Ref. D. 289

Mellette and Smith Attys for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1901

ACTING CHAIRMAN

85905 98

COMMISSIONERS:
Tams Bixby
Thomas B. Needles
C. R. Breckinridge
ATTORNEY: A. ALLEN WRIGHT
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 10th, 1901, in the matter of the application of Allie Martin for enrollment as a Freedman of the Cherokee Nation.

Mackey & Frick

Attorneys for Applicants.

Cherokee F. #D658.

Cherokee Freedmen
Docket

Muskogee, Indian Territory, May 13, 1906.

Allie Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Incl. L-55.

Register.

COPY

Cherokee Freedmen
D-[illegible].

Muskogee, Indian Territory, May 13, 1906.

Edgar Smith,

Attorney for Lewis Martin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. L-62.

Register.

Cherokee Freedmen
Docket 34 et al.

Muskogee, Indian Territory, May 13, 1906.

Pell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 1-42.

(SIGNED) Tams Bixby,
Chairman.

Copy.

Cherokee Freedmen
Docket 64 et al.

Muskogee, Indian Territory, May 13, 1906.

The Secretary

The Commissioner of the Indian Territory,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Lewis Martin et al., as Cherokee Freedmen, including the Commission's decision, dated May 13, 1906, rejecting said applications.

Respectfully,

James Pixley.
Chairman.

Incl. L-70.

Through the
Commissioner of Indian Affairs.

4

Encl.
Applications.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 10, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Lewis Martin for himself and his minor child, Ernest Martin; by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Maude, Sarah Ella, Dandena, Australia Beldburn, Lloyd, Ralph and Eulah Martin.

May 13, 1908, the Commission decided adversely to all of the applicants.

The record shows that Lewis Martin was the slave of a Cherokee citizen at the beginning of the war of rebellion; that during the war he went out of the Cherokee Nation and did not return to said nation on or before February 11, 1867. The other applicants are the children and grandchildren of Lewis Martin, were born since the beginning of the war of the rebellion and possess no rights to enrollment except as his descendants. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully, C. F. Larrabee,
Acting Commissioner.

M.M.M.
V.

G.S.W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.M.B.7044-1906.
6434
6433
6432

November 6, 1906.

LRM.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 14, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Chickasaw freedmen by Lewis Martin for himself and his minor child, Ernest Martin; by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Maude, Sarah Ella, Dendema, Australia Goldburn, Lloyd, Ralph and Enlah Martin, including its decision of the same date, adverse to the applicants.

Reporting June 10, 1906 (Land 37831), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the application of Lewis Martin et al.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will advise the local attorneys for the employment of dredge-mental motion.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 to Ind. Of.

Commissioner Tribal
Enrolling

Muskogee, Indian Territory, November 14, 1906.

Allie Robins,

Chelsea, Indian Territory.

Dear Madam:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Department November 6, 1906, and a motion for review of your case, filed by your attorneys September 7, 1906, denied.

Respectfully,

Commissioner.

Cherokee Breed,
Dawes, et al.

Muskogee, Indian Territory, November 16, 1906.

Sims & Kulger,

Attorneys for Lewis Martin and others,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated May 15, 1906, rejecting the applications for the enrollment of Lewis Martin, et al. as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case, filed by you September 7, 1906, denied.

For your information there is enclosed a copy of Departmental decision.

Respectfully,

Commissioner.

Inc.-L-16-LCG.

4

Department Branch.
Enrollment Bd.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of Lewis Martin, et al as Cherokee freedmen, was affirmed by the Department November 8, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1905, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-2-16-L66.

4

Cher. Fr. R 968

Cher. Fr. R 968

Trans. from Cher. Fr. D 661

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JULY 31, 1900. MUSKOGEE, I. T.

In the matter of the application of Ben McIntosh for the enrollment of his two minor children, Bertha and Ben R. McIntosh, as citizens of the Creek Nation. Ben McIntosh, being first duly sworn, testified as follows:

Q What is your name? A Ben McIntosh.
Q What is your age? A 40 years old next April.
Q What is your post office address? A Tuskegee, Indian Territory.
Q For whom are you applying for enrollment? A Bertha and Ben R. McIntosh.
Q What is the age of Bertha McIntosh? A 12 years old.
Q What is the age of Ben R. McIntosh. A About 10.
Q What is their post office address? A Red Fork, Indian Territory.
Q Have Bertha and Ben R. McIntosh ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation?
A Yes sir.
Q Have they been enrolled by the authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.
Q Do their names appear upon the tribal rolls of the Creek Nation?
A Yes sir.

The authenticated rolls of the Creek Nation for the year 1890, Coweta Town, examined, and the names of Bertha and Ben R. McIntosh, together with the name of their father, Ben McIntosh, are found on page 56. Also, the authenticated rolls of the Creek Nation for the year 1895, examined, and the name of Bertha and Bennie McIntosh, together with their father, Ben McIntosh are found thereon, numbered respectfully as 156, 158 and 154.

Q Where do these children live now? A Within the limits of the Creek Nation, Red Fork, Indian Territory.
Q How long have they lived there? A All their lives.
Q They were born and raised there? A Yes sir.
Q That is your post office address? A No sir, my post office address is Tuskegee, Indian Territory.
Q These children do not then reside with you? A Yes sir, they reside with me, but that it not our post office.
Q What is the name of the mother of these children? A Melissa McIntosh.
Q Is she now living? A Yes sir.
Q Her name is not upon the rolls of the Creek Nation? A No sir.
Q Is she on the authenticated roll of 1880 of the Cherokee Nation?
A I do not know.
Q She is a recognized Cherokee citizen? A Yes sir.
Q Are you a recognized citizen of the Creek Nation? A Yes sir.
Q You belong to Coweta Town? A Yes sir.

Now you are advised, Mr. McIntosh, that Section 21 of the act of Congress, entitled "An Act for the Protection of the People of the Indian Territory, and for Other Purposes," approved June 28, 1898, contains the following provisions: "The several tribes may by agreement, determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of money belonging to each tribe; but, if no such agreement be made, then such claimant shall be entitle to said rights in one tribe, only, and may elect in which tribe he will take said rights. But if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he is residing.

Ben Hulutah

and there be given such allotment and distributions and not disinherited? A Yes sir.

Q Mr. Hulutah, have Martha and Ben H. Hulutah resided continuously in the Indian Territory since their birth? A Yes sir, they never lived anywhere else.

Q You are the father of these two children? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor children, Martha and Ben H. Hulutah, as citizens by blood of the Creek Nation, mailed to you at your proper post office address, at Red Fork, Indian Territory.

The Commission will transmit such memorandum of this application as has been taken at this time together with a copy of its decision in regard to your application in behalf of your minor children, to the Honorable Secretary of the Interior when the final roll of the citizens of the Creek Nation are forwarded to him for his consideration and approval.

Kate De Bord, being first duly affirmed, states: that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the foregoing case, and that the above is a full, true and correct transcript of her stenographic notes, taken in said case.

(SIGNED) Kate De Bord.

Subscribed and affirmed to in my presence this 14 day of August, 1900.

(SIGNED) Tams Bixby,
Acting Chairman.

::::::::::::::::::::::::::::::::::::::::::::::::::::::::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 26, 1903.

I, Florine B. Hatch, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the testimony and proceedings in the above stated case and that the same is a true and correct copy of the original now on file with this Commission.

Florine B Hatch.

Subscribed and sworn to before me this 27 day of May, 1903.

Edward Merrick
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., June 10, 1902.

In the matter of the application of Mallissa McIntosh for the enrollment of herself and two children.

Appearances:

Mellette & Smith, attorneys for applicants;
D. W. Hastings, of counsel for Cherokee Nation.

Mallissa McIntosh, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your Name? A Mallissa McIntosh; my maiden name was Mallissa Ratliff.

Q How old are you? A I don't know for certain, I guess I am between 43 and 44 I guess.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Myself and two children.

Q Give me the names of your two children? A Bertha.

Q How old is Bertha? A 13; 13 next February.

Q What is the next child? A Bennie. McIntosh.

Q Is he Bennie or Benjamin? A We just call him Bennie.

Q How old is Bennie? A He will be 11 years old the 9th of next month.

Q These children are both living with you at this time? A Yes, sir, both right here.

Q Did you ever apply to be enrolled by any other Nation? A No, sir.

Mr. Smith: What witnesses have you got? A Uncle Moses ~~Hendrick~~ Whitmore and Harry Still.

Commissioner: What is your post office? A Dawson, I. T.

Mr. Smith: You apply for enrollment as a Cherokee Freedman?

A Yes, sir.

Q Who was your mother? A Her name was Lucy Griffin.

Q Who was your father? A Alex Ratliff.

Q How old are you? A I am between 43 and 44, I don't know for certain.

Q Were you born a slave? A Yes, sir.

Q Whose slave? A Alex Ratliff.

Q Was Alex Ratliff a Cherokee Indian? A Yes, sir, he was a Cherokee indian.

Q A citizen of the Cherokee Nation and in the Indian Territory?

A Yes, sir.

Q Where were you at the time the war commenced, the Civil War?

A Well, I was there with them when it commenced.

Q With who? A There with the hands, my father died after the war, during the war.

Q At the beginning of the war where was you? A I was there at Alex Ratliff's.

Q At what place? A I don't know exactly what district he lived in

Q In the Cherokee Nation? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A Yes, sir.

Q When did you first come back? A It was in the year of '66.

Q Who came back with you? A Uncle Moses ~~Hendrick~~ Whitmore and his wife brought me back, his wife is my aunt.

Q Who was Moses ~~Hendrick's~~ Whitmore's wife before she married Moses, do you remember? A It seems she was a Walkingstick.

Q Well, where do you live now? A I live down here near Tulsa, this side, in the Cherokee Nation.

Q How long have you lived there? A I haven't lived there very long, that place.

Q How long have you lived in the Cherokee Nation? A Why I have lived in the Cherokee Nation, backwards and forth, all my life; I

Wallace McIntosh - 8.

have lived in the Creek Nation some and Here, Creek and Cherokee Nations, backwards and forth, since I been back.

Q When did you marry? A Well, I guess it was, must have been about 1882.

Q Are you and your husband living together at this time?

A No, sir, we have been parted about ten years.

Q Are these children, Bertha and Bennie, his children? A Yes, sir, they are his children.

Q How long did you and your husband live together? A Well, it might have been about eight years, I don't know for certain.

Q Were you married, have you a marriage certificate? A Yes, sir.

Q Have you any certificate of your marriage? A No, I have got it misplaced somewhere, I have got my divorce.

Q In what Court were you divorced? A Creek Court.

Q At Muskogee? A No, out at Okmulgee.

Q What was your husband's name? A Ben McIntosh.

Q Was he a Creek citizen or what? A Yes, he was a Creek citizen.

Q Did he bring a suit against you in the Creek Court, or you bring a suit against him? A No, sir, he just granted the divorce himself.

Q He granted the divorce to you in the Creek Court? A Yes, sir.

Q What did you have to do with it, anything; A Why nothing at all

Q He just did that himself? A Yes, sir.

Commissioner: Do I understand you to say these two children are living with you at this time? A Yes, sir, I have them right here, I have raised them.

Q Did they ever draw any money in the Creek Nation? A No, sir.

Q Ever been enrolled in the Creek Nation? A No, sir, never enrolled them anywhere but here.

Q Were they born in the Creek Nation? A Yes, sir, born in Okmulgee district.

Q Your husband is a Creek citizen? A Yes, sir.

Mr. Hastings: You have had six children by this man? A Yes, I have got four.

Q And the [illegible] born at Okmulgee? A Yes, near Okmulgee.

Q How old would the first be if it was living now? A I don't know how old now, we didn't keep any record.

Q Do you know what year it was born? A No, I don't remember.

Q And the other five were born on Red Fork in the Creek Nation?

A Yes, sir.

Q Where did you first meet your husband? A I met him in Muskogee.

Q You married him in 1882? A Yes, it must have been about that time, about the latter part I think.

Q And you parted from him when? A I expect it was about eight years later, I guess, I don't remember for certain

Q You gave birth to six children in eight years? A Yes, but then they didn't mature, they were not natural.

Q How long before you were married was it since you have been living in the Cherokee Nation; you married in Muskogee in 1882?

A Yes, I guess it was about that time; have been living here all the time up to just about a little over a year before that I worked out in Muskogee.

Q Where had you been living in the Cherokee Nation? A Lived right here with Uncle Moses Hardwick. Whitmire

Q Ever since you came down here with him? A Yes, sir, they raised me and I just made that my home there.

Q What was your father's name? A Alex Ratliff. Sullen

Q What was your mother's name? A I think her name was Lucy [illegible].

Q Do you remember your mother? A Yes, sir.

Q When did she die? A She died during the war, before we went to Kansas.

Q You were born could about you were born then? A Yes, I was quite young.

Q How old were you? A Why I must have been 10 years old.

Q You only remember the date of your return from that they told you about it? A Why they told it and '61.

Q They have told you about it since? A Yes, I guess I was like other children, I heard what was said about the date just like the rest of children when my children knew this is 1861.

Q What time of the year was it you came back? A In the winter, in the early winter or the last of the winter? A The last of the winter.

Q You don't know whether it was the last of '60 or the first months of '61? A No, sir, it was in the winter of that year.

Q You don't know what months? A No, sir, I have got my witnesses, perhaps they can tell you.

Q You lived with Moses Hendrick up till about 1880 or 1881? A Yes, I reckon about 1880.

Q Why didn't he enroll you? A Well, I guess he must have, before they commenced drawing the money.

Q Did you ever try to get enrolled? A Yes, I have been enrolled here twice.

Q Did you draw strip money? A Yes, sir.

Q You draw on the Wallace roll? A Yes, sir, I drew.

Q Your children never drew? A No, my children drew from the Clifton roll.

Q Uncle Moses was kin to you? A No, sir, his wife was my aunt.

Cross-examined: What was your name before you married McIntosh?

A Whitaire.

Q You think your name isn't on the 1880 roll? A I don't think it was, it was dropped somewhere by mistake, I belonged to Uncle Moses's family at that time.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Wallace McIntosh on page 104, No. 2394, Goweseccowee district, as Wallace McIntosh;

Bertha McIntosh on page 104, No. 2395, Goweseccowee district;

Bennie McIntosh on page 104, No. 2396, Goweseccowee district.

The Wallace roll examined, and the applicant Wallace McIntosh identified thereon, page 128, No. 2396, Wallace McIntosh, Goweseccowee district.

Moses Whitaire, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Moses Whitaire.

Q What is your post office? A Hayden.

Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation ever since I was born, all my life except when I went out time of the war.

Q How old are you? A I must be 70 years old, seventy some odd.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know this applicant Wallace McIntosh? A Yes, sir, I know her.

Q How long have you known her? A I have known her ever since she was a little girl.

Q Who was her mother? A Lucy Ratliff.

Q Who was her father? A Alex Ratliff.

Q Was Wallace McIntosh herself born a slave? A Well, yes sir, she was born a slave, her mother was a slave, of Alex Ratliff.

Q Whom claim was Wallace Robertson? A Alex Ratliff, said to be his daughter and claim.
Q Who was Alex Ratliff, a Cherokee citizen? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A Down on the Illinois, near Fallingwater somewhere, must have been Tahlequah.
Q Do you know where this girl Wallace and her mother were when the war commenced? A Her mother died, she died about the commencement of the war I guess, or a little before.
Q At what place? A Down where they lived, on the Illinois River.
Q At the Ratliff's? A Yes, sir.
Q Do you know whether this girl was taken out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when she returned to the Cherokee Nation first after the war? A Yes, sir.
Q When was that? A Why it was in December, '66, with me; with my wife and me, a little girl when she came back.
Q How long did she remain with you after she came with you in '66? A She remained with me several years, until she growed up and married; she went off a while, but she always made it her home.
Mr. Hastings: Moses, how far did she live from you when the war came on? A Why she must have lived, I don't know exactly, 25 or 30 miles I guess.
Q You never saw her before the war came up? A Yes, sir, I know right where she was born, she wasn't born right there at all.
Q Where was she born? A She was born in Going Snake district, at her great-aunt's; her mother came up and stayed with her great-aunt until she was born, on Barren Forks.
Q Did you ever see her after that? A Yes, sir.
Q Before the war? A Yes, sir.
Q Where? A Down on the Illinois River.
Q Did you take her out of here during the war? A No, sir, but one of her aunt's did.
Q That your wife? A No, sir, my wife's aunt, and we got her after she went up to Kansas, my wife did.
Q And you came back here in December, 1866? A Well, that is the time I moved my family, I came back in November, and built my house.
Q Did Aaron come back with you? A Aaron came back with me the first time but he built up above me, me and Aaron came before that.
Q Did Lewis come with you? A Yes, sir.
Q When you moved your family he moved his? A Lewis had no family.
Q He came down with you? A Yes, sir.
Q When your moved your family? A Yes, sir.
Q That was when Lewis came? A Yes, sir.
Q Did he come any time before that? A Yes Lewis came, Lewis came and made a place for his mother and father.
Q That was in November? A Yes, sir.
Q Where did you go back for your family? A In December.
Q Where? A To Kansas, Fort Scott.
Q Who else did you bring besides your own family and this girl? A I brought my wife's son, Ed Wright.
Q Anybody else? A Lila Ratliff, her great aunt.
Q How about how many years did she live with you? A This girl, I don't know exactly how many years, but she lived with me several years after she came here.
Q Your best judgment? A I don't know, I can't tell you.
Q Five years? A Over five years I expect, because she was nothing but a girl when she came.
Q She went to the Creek Nation and married there? A Yes, sir, she went to Muskogee and when she got engaged to be married, and she came back here and fixed up and was married.
Q And she then lived in the Creek Nation until a short time ago? A Well, she knows about how long, I don't, I never attended to

Her affairs at all, she has been backwards and forwards all the time. I have some of her horses now, she has never been there yet, always come and got them as she wanted them.

Mr. Smith: How long has she had property, horses, cattle, &c there in the Cherokee Nation? A She has had them here ever since she was with me, we gave her some and she worked and bought some, before she went away.

Q Did she have this property there during the time she was away? A Yes, sir, got some there yet.

Mr. Hastings: How many did she have when she left? A I believe she had the child of cows and four head of horses.

Q Where did she get them? A We gave her some; and she worked and bought some.

Q She just claimed some you folks had? A She bought some with her money, she was always at work.

Q And these are just the increase of them? A Yes, sir.

Harry Still, being duly sworn and examined before Commissioner Peoples, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q How old are you? A 54.

Q Where do you live? A Hayden.

Q Do you know this applicant, Melissa McIntosh? A Yes, sir.

Q How long have you known her? A Since '59.

Q Was she born a slave? A I think so, yes, sir.

Q About when was she born? A I don't know exactly when she was born, I met her, the first time I saw her was in '62.

Q Who was she with? A She got in our crowd and went with us to Kansas; I havealways heard she belonged to the Ratliffs.

Q Do you know when she came back to the Cherokee Nation after the war? A Yes sir, she came back a little while before Christmas in '66 with Uncle Moses.

Q Moses who? A Whitmire, he raised her.

Q Where has she been living since that time? A Well, she has been living here in the Cherokee Country a good deal of the time.

Q How long did she live with Moses Whitmire, how long did she live with him after she came back here in '66? A She lived with Moses till she got to be a grown girl, right around in that country there.

Q Did she ever marry? A Yes, sir.

Q Who did she marry? A McIntosh, Benny.

Q Then after she married, where did her husband live, if you know?

Q Lived down here on the Arkansas River.

Q In what Nation? A I guess down in the Creek Country, I don't know.

Mr. Hastings: Do you know how long she lived over there? A No, sir.

Q You know how many children were born to her there? A I don't know as any children were born there, she has been going backwards and forwards all the while to old man Moses's and ever since I know her.

Q Were the children born up here at Moses Whitmire's? A I don't know whether they were or not.

Q Have you been told where they were born? A No, sir, I never asked anything about that.

Q You never heard anything about that? A No, sir.

Q How old are you now? A I am about 54 I think.

Q And you were 16 years old when the war closed? A No, sir, I was older than that, wasn't I, when the war closed: I can remember better than that I can now, when the war closed.

Q Well, who did you come back here with? A Came back here with my mother and my sister and Filda Lacy and Jim Lacy.

Q What time of the year did you come back? A I came here three times, sir.

Q What time did you first come? A '65.

William McIntosh - 8.

Q Your father with you then? A No, sir.

Q What time of year did you come? A [illegible] came along in the summer or fall when she came here, [illegible].

Q That is, did your father come with you? A [illegible] in the spring [illegible].

Q Your father with you then? A Yes, sir, with me then.

Q Where were you living when this woman was brought down there?

A I was living on the farm of Lightening Creek, known as the old Rachel Elgin place.

Q How far was that from Fort Gibson? A Five miles, or six, perhaps.

Q Do you remember when everybody came down there 31 years ago, willing to swear definitely about that? A Yes, sir, willing to swear definitely.

Q How long did she live there? A Lived from the time she was a girl clean up till she married Sam.

Q When did she marry Sam? A I don't know the exact date she married Sam.

Q Where is she living now? A She has got a place down here in the Cherokee Nation.

Q Where is it? A This side of Tulsa.

Q Were you over at it? A Yes, sir.

Q When did you there last fall.

Q Was she living on it then? A She had some stock there.

Q Was she there in person? A I didn't see her on the place living, but I met her close to the place there, right there this side of ——

William McIntosh, recalled, testified:

Commissioner: You married Sam McIntosh over in the Creek Nation?

A Yes, sir.

Q How long since you moved from the Creek Nation to the Cherokee Nation; how long since you moved back here? A I have lived back and forth all the time.

Q You couldn't have two homes; have you lived with your husband in the Creek Nation? A I lived there with him eight years I guess, when we separated, and I came ——

Q Since you separated ~~[illegible]~~ you have lived continuously in the Cherokee Nation? A Well, count up and see, he was parted from me three years before that.

Q You had been separated at that time? A That was about '91 then? A I guess.

Mr. Hastings: She brought the suit for the divorce, you? A Yes, sir, I think.

Commissioner: This paper states you were divorced in 1894, and you say you separated from him about three years before that? A Read that and see what it says.

Q You guess what you know. How long have you been separated?

A About ten years I guess.

Q You have lived in the Cherokee Nation about ten years then?

A No, sir, I haven't lived in the Cherokee Nation all the time, I stayed there part of the time.

Q I want to know how long you have lived in the Cherokee Nation since you were married, since you were separated? A I haven't lived very long.

Q Since you have separated that you have lived some of the time in the Creek Nation? A Yes, sir.

Q I want to know how long you have lived in the Cherokee Nation in that time? A I have been living about a year on the place.

Q Since that you have lived in the Creek Nation, have you? A Yes, sir, most of the time.

Q What was your owner's name? A Natlier.

Q What was his first name? A Alexander Natlier.

Q He was a Cherokee citizen, was he? A Yes, sir, he was a Cherokee citizen.

Mr. Smith: During the time you lived in the Cherokee Nation, did you have any property of any kind in the Cherokee Nation? A Yes sir, what I had was here.

Q What did you have? A Why I had some stock, some horses and some cattle.

Q Where were they? A Uncle Moses kept them.

Mr. Hastings: How did you acquire them; where did you get them? I say, may I have an a start.

Q What was the increase of them? A Yes, sir.

Commissioner: You say that these two children are living with you in the Creek Nation? A Yes, sir.

Q They were born in the Creek Nation? A Yes, sir.

Q They never drew Creek money? A No, sir.

Q You never enrolled them as Creek citizens? A No, sir, never enrolled them no place but here.

Q You never enrolled yourself as a Creek citizen? A No, sir, I never wanted to be a Creek citizen.

Mr. Hastings: I want to know how that divorce was got? A Well deserted me and the children, and he was gone three years, and the law there is you can get a divorce for three years separation.

Q Did you get it? A He had it made out and sent it to me.

Commissioner: Melissa McIntosh applies for the enrollment of herself and two children, Bertha and Bennie. She cannot be identified upon the authenticated roll of 1880, or the census roll of 1896, but she is duly identified on the Kern-Clifton and Wallace rolls, and her two children as enumerated are identified upon the Kern-Clifton roll. She again avers that she is married to one Ben McIntosh, a Creek citizen, and that she was formerly the slave of Alex Ratliff, a Cherokee citizen. She avers that she lived in the Creek Nation until about one year ago, and that during all the time of her marriage with McIntosh she had property in the Cherokee Nation. She avers that she is separated from her husband McIntosh. Now the said Melissa McIntosh and her two children, Bertha and Bennie, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission. She will be notified by mail of the decision of the Commission in her case when arrived at. Because of the fact that the father of her children is a Creek citizen, and that she resided in the Creek Nation, a copy of the testimony now being taken will be transmitted to the General Offices of the Commission at Muskogee for their information as to Creek citizenship.

***********

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of June, 1901.

Commissioner.

Dupl. S. D. Field. Freedmen.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., March 4, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of mailing to F. E. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

[illegible]

[illegible] by the year [illegible], L. B. Bell.

C. V. Bergere, being duly sworn, testifies as follows on [illegible] of the Cherokee Nation.

[illegible]

[illegible] your name? A C. V. Bergere.
[illegible]? A [illegible] years old.
[illegible] residence? A Claremore.
[illegible] you a citizen of the Cherokee Nation? A Yes, sir.
[illegible] have you been [illegible]? A All my life, a little over 63 years.
[illegible] you [illegible] the country during the war? A Yes, sir.
[illegible] did you return? A '66.
[illegible] did you come to? A Come to Fort Gibson.
[illegible] where did you? A Yes, sir.
Q [illegible] what was your business? A After I came back?
Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I knew him.
Q [illegible] belong before the war? A He belonged in Coin; Sugar District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '66; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedman? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q [illegible] the north line of the Cherokee Nation?
A I think the river is the line, about half [illegible].
Q [illegible] Nation lived? A [illegible] in the [illegible] I [illegible] I [illegible].
Q [illegible] to move [illegible] Delaware road [illegible] to Bloomington? A Yes, sir.
Q [illegible] Bellamy? A They called it Bunker Hill [illegible].
Q [illegible] lived there? A Yes, sir; in about a mile [illegible].
Q And this house William [illegible] lived in [illegible] house [illegible] and [illegible] to the [illegible] Indian [illegible]?
A Yes, sir.
Q [illegible] old [illegible] you [illegible] A [illegible]
Q And you [illegible] A I [illegible] and [illegible] Bright in the old [illegible] I [illegible].
Q And you talked with him there? A Oh, I guess I talked with him ten or 10, 20 minutes and while I was talking to him [illegible] Fort Scott.
Q Do you know where this man [illegible] lived, [illegible] you [illegible]?
A No, I don't know where he lives.

W. Martin, Cherokee Representative:

Q Don't you know he lived on Salt Creek near Bright? A No, I don't know for certain I heard he lived on Big Creek. I don't know [illegible] he lives. I have seen him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson,

Stenographer.

RECEIVED
AUG 18 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 30, 1898.

In the matter of the application of Edward Wright for a certificate of citizenship as a Cherokee freedman.

APPEARANCES:

Fred T. Leavitt, by Thomas B. Lawson, for applicant.
C. J. Bartlett, for Cherokee Nation.

Decision: The evidence taken, by the recommendation, taken collectively, proof of service on the applicant's attorney that it would, on the 30th day of June, 1898 introduce testimony to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The application this day appears by his attorney, T. B. Lawson, he is represented by Fred T. Leavitt, Muskogee, Indian Territory.

MR. KETCHUM: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on Citizenship found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Commission on Citizenship," as follows:

No. 75 Edward Wright
vs
Cherokee Nation.

{Ex. 7th of June.
{Answer filed.

Judgment against claimant June 27, 1878."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

{Ex. June 7th. Statement filed on the 28 of June.
{1st July not. 1st Aug. set for trial.

Judgment against claimant June 27th, 1878."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 184 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

[illegible] of the late war, freed by law and made a citizen of the Nation by provision of the treaty of 1866.

Claimant was at the time of the breaking out of the war owned by George Whitmire, a Cherokee citizen, left the country during the war and returned at the close of the war to select his home for the future; they then being a free man; and again the following year removed to the Nation on his own account and the condition of the country at that time prevented and leaving his family in the interval of time when they could return without danger and expense and until a removal of the very formidable Rebel element of Cherokees finally was accomplished in the joint of the Nation neither by contraband nor theirs and his own in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the proper tribunal for adjudication as are entitled to do so by law.

This June 26, 1872.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:-

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by revision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the commission on the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
June 26, 1872. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 224, case No. 80, as follows:

"Case 80.

Aaron Whitmire
vs
Cherokee Nation.

Tahlequah,
July 5, 1872.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, U. S. I am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

[illegible] a [illegible] [illegible] or [illegible] of [illegible]. I went back to the State of Kansas in [illegible]. I returned in August a year or [illegible]. Then I left my family in Fort Scott. When I came, I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. Then I returned to Fort Scott and [illegible] and started down, the Whitmires [illegible] of Bot Walker. The claimant was one of them. They came down in [illegible]. They [illegible] to Fort Scott before I left them. I left Walker's [illegible] in Country, left and [illegible] to the crossing of the Verdigris River about the head of [illegible]. Then I first came down I saw no white in the party. They left their families in Kansas when they came down here. There was one of party came with the Whitmires [illegible] the Whitmire party [illegible] party were Sam Walker, John Jackson, Sam Walker, Jr., Aaron Walker, Reuben Mullens, Thos. Roberts.

The Whitmire party were Aaron, Lewis, Moses, Morris and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Bryant Creek at Mr. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too nearly settled and bare of substistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who were here were authorized by others to locate claims for them, and the by Mokey requesting Abe Fields to locate for him. The original request filed".

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1860. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Rocky Mountain on this side of Arkn. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire
-vs- } August 1, 1878.
Cherokee Nation. } Bluford Alberty, witness for claimant, called and sworn.

I resides in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District,

[illegible]

[illegible] Cherokee Nation.

I know Melissa Rattliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Lackrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle as a compact body on unoccupied lands. We crossed the Neosho in coming down at Holland's Ferry in 1866. The chief ferryman was named [illegible] Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Albert but had no conversation with him, but Sam Webber had in my presence.

H. W. Albert.

Aaron Whitmire
vs.
Cherokee Nation.

I know Melissa Rattliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Lackrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle as a compact body on unoccupied lands. We crossed the Neosho in coming down at Holland's Ferry in 1866. The chief ferryman was named [illegible] Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Albert but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am [illegible] years old. I am a member of Aaron Whitmire, Louis, Nelson and Allen are all my brothers. Mariah Whitmire is my sister. The names of the party that went with me to the Nation are as I have mentioned before, the names, Peter Reid, Will Foreman, Jack Sanders, Dennis Daniels. [illegible] Louis Whitmire, Aaron Whitmire, Nelson Ray. Witness and his brothers were authorized to make claims for citizenship at Fort Smith. Dennis made a claim for money [illegible] I don't know any thing about. Nelson made a claim for money [illegible] when he came on from Kansas. My family was part of family in the Nation. Major Wright, and my father's family all moved as a family. Louis had no family. Aaron and Nelson had families. Major, [illegible] Nelson and Allen were Aaron's children and his wife. [illegible] They were left, and wife and children in Fort Scott when we came in 1866. Alice Sanders. Tice. Sanders were Nelson's family and back at Fort Scott. We went back in January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Peter Daniels, Jack Sanders, Peter Reid and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Helim Ratliff was killed by one Alec Ratliff at breaking out of the war. The first child in March 1867. Jack Langdon was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire,
mark.

Case 83.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit:

Claimant is a colored person and claims as a freedman under privilege of the first specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Martin

Aaron Whitmire
vs
Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
E. L. Wiggins, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Sluford Liberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had that Agent Jones advised the Colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored men as they could have their own schools so until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

[illegible]

[illegible] Dale-
[illegible] Texas [illegible] I [illegible] to travel or drive off
[illegible] the [illegible] Texas [illegible] wild cattle. I travelled a good
[illegible] in that neighborhood [illegible] at [illegible] mention of.

Continued on page 203.

[illegible] Whitmire [illegible] July 16, 1938.

[illegible] Hutton, [illegible] John Riley,

Sworn to witness for Dorr. I live in Coweta county Okla. I first moved there in 1893 and have continued to reside there except in time of war. I came back in the month of [illegible] in the nation. I came from Whitmire. We entered my claim in the Cherokee Outlet to live in the south of March 1897. Also came at the same time get a lodge, John Sanders, Sam Wooten, [illegible] families and others that I don't recollect. Indians [illegible] in 1897 on an old place at Aaron [illegible]. It has [illegible] no other place before that.

Cross Examined.

I don't know of any colored people or families moving in to the United in the month of June 1893 to locate homes but I know of some who came in June, 1897 for that purpose. I knew Mose Brown Whitmire lived at that time. I was near Coody's Bluff in 1893. I lived on the west side of the river. Cherokee lives and resided on the east side of the river. I saw heads of families come in [illegible] I have heard of them. [illegible] Dodge was not alive as I [illegible] Mose Brown Whitmire [illegible] John Coody had been dead in March 1896 I think. [illegible] I [illegible]

[illegible]

Rosalie Riley. (page 206)

About the middle of May last I met any this party with their families at their own homes. Elkhrest and others of this colored party told witness that they were going in March last to the National Council.

I learned from John Coker that most of this colored party returned to Kansas after their families and a few returned. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the constitution under the treaty and to ratify the treaty. The treaty was concluded the 8th of Aug. 1866 in Washington. It might have been July 19th 1866.

Witness went south during the war. J. R. Jones was not at the time herein mentioned U. S. Agent but was Delegate & was Agent afterwards.

B. F. Allberty.

Attest
D. L. Nicholson,
Clerk.

Moses Thompson )
vs )
Cherokee Nation. )

Tabled on May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

---

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1908.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

---

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans.

Subscribed and sworn to before me this 16th day of Aug., 1908.

Bruce C. Jones
Notary Public.

D. D. [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Wallace McKinsey et al for enrollment as Cherokee Freedmen.

CONTINUED TO D-641.

APPEARANCES:
Mallette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony filed by the Cherokee Nation in the case of Freedman Doubtful 818 be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects because the same is incompetent, immaterial, irrelevant and does not tend to prove any issue in this case, because it was not taken with reference to this case and therefore not taken under the rule of this Commission with regard to notice and cross-examination, and because the same is not the best evidence, and because it is hearsay.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

---

Arthur G. Grominger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grominger

Subscribed and sworn to before me this 7th day of July, 1902.

Recd

Notary Public.

Transcript page

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22, 1902.

In the matter of the application of [illegible] for enrollment as a citizen by blood.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17230 filed in the Mariah Hayden case 7 D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible], D [illegible],

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moved that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moody Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. V. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

C7D 1

FILED
SEP 1 1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MELISSA McINTOSH ET AL., as Cherokee freedmen.

APPEARANCES:
Applicant appears in person.
Cherokee Nation, W. W. Hastings.

MELISSA McINTOSH, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Melissa McIntosh.
Q How old are you? A I don't know for certain but I must be near on to 50.
Q What is your post office? A Canon City, Colorado.
Q Are you the mother of Bertha and Benny? A Yes sir.
Q Are they both living? A Yes sir.
Q Either of them married? A No sir, the girl is going on 17 the boy is 15.
Q You claim to be a Cherokee freedman, do you? A Yes sir, that is what they say I am, my faher, of course I never believed it.
Q What was the name of your owner? A My father was Ratliff.
Q Were you born before or after the war? A Before.
Q About how old were you when the war broke out, do you remember?
A I was quite small, I don't remember.
Q Do you remember about your father belonging to Alex Ratliff?
A My father was Alex Ratliff.
Q What is the name of your mother? A Her name is Lucy.
Q Was she a Cherokee freedman? A She died at the beginning of the war, the same as my father died.
Q You don't know whether your mother was a Cherokee freedman or not?
A No sir, I don't know.
Q Didyou leave the Cherokee nation during the war? A Yes sir, they carried me away.
Q Who did? A An old lady.
Q What was her name? A Her name was Delilah.
Q Was she related to you? A No sir, I think she belonged to Ratliff, my folks died and she carried me off to Kansas.
Q What place in Kansas? A Fort Scott.
Q Did you stay there until the war was over? A Yes sir.
Q Did you ever come back to the Cherokee nation after then? A We come back in 1866, Uncle Moss Whitmire brought me back.
Q Why re did you come to? A In the Cherokee nation there down this side of Chetoya, Kansas.
Q Can you read and write? A I can read but not write very good.
Q How old were you when you came back? A I don't really know, I was quite a small girl.
Q Do you remember the war? A Yes sir.
Q That was in 1866? A Yes sir, 1866, I remember that very well, of course I don't know just how old I was.

BY MR. HASTINGS:
Q You are living at Canon City, Colorado? A Yes sir.
Q How long have you been there? A Two years now.
Q What year is this? A It is 1906.

Q Did you ever live out of the Territory before two years ago?
A No sir, only when I was in Kansas, a small girl.
Q You came down close to Chetopa and stopped in 1866? A Been this side of Chetopa in the Cherokee nation, down in the neighborhood of Grady's Bluff.
Q Did you come when Moses Whitmire brought his family? A Yes sir, they raised me.
Q That is when they brought the women and children down? A Yes sir, they raised me.
Q That was when they brought the women and children down? A Yes sir when he moved his family.
Q Had it become the spring of the year yet? A It was in the winter when we came.
Q Just before early spring? A It was along in the winter, snow on the ground, seems like it was along in the first part of the winter. It must have been about December.
Q You all settled there and you never went back after that? A No sir, I never went back, I have been raised right here in the Cherokee nation.
Q Your two children are out yonder in Colorado with you? A Yes sir, they are citizens of the Creek nation.
Q Not neither one of them applying? A No sir./

Mr. Hastings: The Cherokee nation here desires to call the attention of the Commissioner to the fact that it has been shown in numerous cases heretofore that the Whitmire family came to the Cherokee nation in the last days of April or the first days of March of 1867.

Q How long did you live on Lightning Creek up there? A Until I was grown.
Q Then where did you go? A To Muskogee, first one place and then another, I didn't go out, I haven't been out of the nation until I went to Colorado two years ago now the last of this month.

ON BEHALF OF THE COMMISSIONER/
Q Did you live in the Cherokee nation continuously from the time you returned to it after the war until about two years ago when you went to Colorado? A Yes sir, I come to Muskogee and worked a little while.
Q Never lived out of the Indian Territory? A No sir.
Q Have you any witnesses or any other evidence you desire to introduce as to your return to the Cherokee nation after the war?
A There is no one that I know of but old Uncle Moses.
Q You came at the time his wife and children came? A His wife, he didn't have any children.
Q Did anybody else come along at the same time? A A few other families, I don't just remember who, seems like one or two of his brothers.
Q Do you desire your case closed and a decision rendered on the evidence introduced? A Wel , of course if you can make it me to give me allotment it will be all right but if it is in with those tschr cases I suppose it will have to go on with them, want it? I don't know.
Q You had attorneys Pelletie & Smith? A Yes sir, a lot of them had them, I guess I was includes too.

You haven't them any more? A No sir.
Q You have no other evidence you want to introduce? A No sir, there is none here that I know of.

THIS CASE IS CLOSED.

---

George E. Lansley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George E. Lansley

Subscribed and sworn to before me this 9th day of September, 1903.

Myron White

Notary Public.

C.R. Ent.

Cherokee Freedmen D 463.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melissa McIntosh for the enrollment of herself and her two minor children, Bertha and Bennie McIntosh, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 10, 1901, Melissa McIntosh appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of herself and her two minor children, Bertha and Bennie McIntosh, as Cherokee Freedmen. The testimony taken at various times in the matter of the application of Edward Wright for enrollment as a Cherokee Freedman, also, that taken at Muskogee, Indian Territory, July 31, 1900, in the matter of the application of Bertha McIntosh, et al., for enrollment as citizens of the Creek Nation is made a part of the record herein.

An examination of the records of the Commission shows that the names of the applicants, Bertha and Bennie McIntosh (as Ben H. McIntosh), appear on the partial roll of Creek citizens by blood, approved by the Secretary of the Interior, on March 13, 1902, at numbers 2833 and 2834, respectively.

The evidence further shows that the applicant, Melissa McIntosh, nee Ratliff, was the slave of Alex Ratliff, a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. She is not identified on the 1880 authenticated roll of the Cherokee Nation.

Section twenty-eight of the act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Bertha McIntosh and Bennie McIntosh as Cherokee Freedmen should be denied, under the provisions of law above quoted; and that the application for the enrollment of Maligee McIntosh as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this Jul 29 1904

NO 7 B 661

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT. } ss

I do solemnly swear that I delivered a true copy of the within notice

FILED
MAY 26 1902

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 2d day of May 1902

Mellott & Smith

Attorney for Applicant.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

FILED
MAY 26 1902

# NOTICE.

In the Matter of the application of Malissa McIntosh.
for enrollment as Cherokee citizens

To Malissa McIntosh, or Mellette & Smith her attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May. 27. 1902., A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May. 24. 1902.

L. B. Bell
Wm. W. Hastings
Jas. Daniel
Attorneys for the Cherokee Nation.

No. F D 661.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

## MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Melissa McIntosh,
Dawson, I. T.
Cherokee-F-D-661.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

RECEIVED
JUL 10 1907

MEMORANDUM OF APPLICATION

# CHEROKEE FREEDMEN.

Date JUL. 10 1901

Post Office Tahlequah I.T.

District Coo

1. Name

Owner's name

Age

Year Page Citizenship

Parents: District

Father

Mother Citizenship

Citizenship

12. Name of wife Melissa McIntosh Age 42

Owner's name Mary Ratcliffe Citizenship Cherokee

Year K.C. Page 104 No. 2594 District Coo

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

2. Bertha McIntosh Year K.C. Page 104 No. 2595 Dist. Coo 12

3. Bennie " Year " Page 104 No. 2596 Dist. " 11

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by Mo. 1 Stenographer A. C. Jones.

1 On K.C. roll as Malisa McIntosh
1 " Wallace roll, Page 128 #2696 — Coo

Mellette and Smith, Attys. for applicants.

L 3D 661

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1901

ACTING CHAIRMAN.

COMMISSIONERS
MOSES L. BOOTH
TAMS BIXBY
THOMAS B. NEEDLES
C. R. SCHEIDEMANTEL
ALFRED L. ATLESWORTH
SECRETARY

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 10th, 1901, in the matter of the application of Louisa McIntosh et al for enrollment as Freedmen of the Cherokee Nation.

Mellott & Lynch

Attorneys for Applicants.

Cherokee F. #D661.

Cherokee Freedmen
B-601.

Muskogee, Indian Territory, August 1, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
General Office.

Gentlemen:

There is herewith inclosed a copy of the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Melissa, Bertha and Bonnie McIntosh, as Cherokee freedmen.

It appears from the record of the Cherokee Enrollment Division that the two last named persons are on the final roll of Creek citizens approved by the Secretary of the Interior March 14, 1902.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Encl. B-180.

Commissioner in Charge.

Dawes Commission

Dockets

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Melissa, Martha and Bonnie McIntosh as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Encl. S-100,

Through the

Commissioner of Indian Affairs.

Cherokee Division

D-443.

Muskogee, Indian Territory, August 1, 1906.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 27, 1906, rejecting the application of Melissa McIntosh for the enrollment of herself and her two minor children, Bertha and Bennie McIntosh, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Encl. S-188.
Register.

Cherokee Freedmen.

S-187.

Muskogee, Indian Territory, August 2, 1904.

Edgar Smith,

Attorney for Melissa McIntosh, et als,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application of Melissa McIntosh for the enrollment of herself and her two minor children, Bertha and Bennie McIntosh, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Commissioner in Charge.

Encl. S-187.

Register.

309

Department of the Interior
Commission to the Five Civilized Tribes

Muskogee, Indian Territory, August 1, [illegible]

Melissa McIntosh,

Dawson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July [illegible], [illegible] rejecting your application for the enrollment of yourself and your two minor children, Bertha and Bennie McIntosh, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

4 Encl. S-184.
Register.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

Land.
83009-1904?

August 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application for the enrollment as Cherokee freedmen of Melissa McIntosh for herself and her two minor children, Bertha and Bennie McIntosh.

July 29, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Melissa McIntosh, born Ratliff, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and returned to the Nation on or before February 11, 1867; that she was born about 1857, and married in 1882 to a Creek freedman, Ben McIntosh, the father of the minors cited.

It further appears that the principal applicant lived during her married life, of some eight years duration, in the Creek Nation and the Cherokee Nation impartially; that the applicant was divorced by her husband under Creek custom and has remained in the Cherokee Nation up to the date of the record.

It is shown that the minors, Bertha and Bennie (R) McIntosh,

were enrolled as citizens by blood of the Creek Nation and their names are included in the schedule of Creek citizens by blood, approved by the Department March 13, 1902.

The evidence further shows that Melissa McIntosh has retained and still holds personal property in the Cherokee Nation from a period prior to her marriage.

The names of all of the applicants are identified on the Kern-Clifton roll and the principal applicant, Melissa McIntosh is identified on the Wallace roll.

The Act of June 28, 1898, Section 21 (30 Stats. 495) excluded the Cherokee roll of 1880 from consideration in regard to freedmen and the applicant's name is not found thereon.

In view of the record it is recommended that the Commission's decision adverse to the applicants, Bertha and Bennie McIntosh be approved and so much thereof as relates to Melissa McIntosh be reversed and that she be enrolled as a Cherokee freedman.

Very respectfully,

W.A.Jones,

Commissioner.

M.M.M.
W.

COPY.

J. P.

DEPARTMENT OF THE INTERIOR,
Washington.

RAP.

ITL.6676-1904.

September 1, 1904.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 19, 1904 the Commissioner of Indian Affairs submitted the record in the matter of the application for enrollment of Melissa McIntosh and her two minor children, Bertha and Bennie McIntosh, as Cherokee freedmen, and recommended that your decision adverse to Melissa McIntosh, be reversed.

The Department is not prepared from the evidence before it, to direct the enrollment of Melissa McIntosh. The claim is that she returned to the Cherokee Nation with Moses Whitmire in 1866. The Nation introduced no witnesses and its attorneys and your Commission seem to have relied almost entirely on testimony taken in the case of Edward Wright, copy of which has been made a part of the record. The attorney for the applicant objected to this manner of proceeding.

Unquestionably your Commission has also to some extent relied, as it seems to have done in other cases, upon its knowledge of the character of the witnesses for the claimant, derived from testimony in other cases not before the Department.

The Nation asserts in a general brief filed in the case of Henry C. Hayden, that the witness for Melissa McIntosh, Henry

Still, is a disreputable drunkard, and that the testimony in the Edward Wright case shows conclusively that Moses Whitmire did not return to the Nation until the Spring of 1867.

If it can be shown by testimony of persons acquainted with the facts that Melissa McIntosh did not return to the Nation prior to February 11, 1867, such testimony should be procured. Therefore, and in view of the recommendation of the Commissioner of Indian Affairs, the case is remanded for rehearing and readjudication.

A copy of the Commissioner's letter is inclosed. The Commissioner is in error in his statement relative to the 1860 roll.

Respectfully,

Signed Thos. Ryan,

Acting Secretary.

4 inclosures.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
D-661.

Muskogee, Indian Territory, September 29, 1904.

Melissa McIntosh,

Tulsa, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and two children as Cherokee freedmen, the Commission is in receipt of Departmental letter of September 1, 1904, in which it is stated that the Acting Commissioner of Indian Affairs, in his letter of August 19, 1904, recommends that the Commission's decision rejecting your application be not approved as to yourself, and that you be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter you are requested to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 15, 1904, at nine o'clock A. M., and introduce testimony touching the date of your return to the Cherokee Nation.

Respectfully,

Register.

Chairman.

COPY

Cherokee Freedmen
D-641.

Muskogee, Indian Territory, September 29, 1904.

Edgar Smith,

Attorney for Melissa McIntosh et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Melissa McIntosh et al., as Cherokee freedmen, the Commission is in receipt of Departmental letter of September 1, 1904, in which it is stated that the Acting Commissioner of Indian Affairs, in his letter of August 19, 1904, recommends that the Commission's decision rejecting said application be not approved as to Melissa McIntosh, and that she be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter the applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 15, 1904, at nine o'clock A. M., and introduce testimony touching the date of her return to the Cherokee Nation.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

Cherokee Freedmen
D-441.

Muskogee, Indian Territory, September 29, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Melissa McIntosh et al., as Cherokee freedmen, the Commission is in receipt of Departmental letter of September 1, 1904, in which it is stated that the Acting Commissioner of Indian Affairs, in his letter of August 19, 1904, recommends that the Commission's decision rejecting said application be not approved as to Melissa McIntosh, and that she be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter the applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, Tuesday, November 15, 1904, at nine o'clock A. M., and introduce testimony touching the date of her return to the Cherokee Nation. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Muskogee, Indian Territory, September 13, 1906.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on August 31, 1906, in the matter of the application for the enrollment of Melissa McIntosh et al., as Cherokee freedmen.

Respectfully,

(SIGNED)

Acting Commissioner.

Encl. Gl-271.
GMC

Cherokee
D Dock.

Muskogee, Indian Territory, September 12, 1906.

Eliza McIntosh,
Lemon City, Calaveras.

Dear Madam:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on August 31, 1906, in the matter of your application for the enrollment of yourself and children, Bertha and Bennie McIntosh, as Cherokee freedmen, together with a receipt for same which you will please sign and return to this office.

Respectfully,

CROWELL,

Acting Commissioner.

Incl. CL-272.
SHL.

[illegible]

Muskogee, Indian Territory, February 26, 1907

The Honorable,

Secretary of the Interior:

Sir:

July 29, 1904, the Commission to the Five Civilized Tribes rendered its decision rejecting the application of Melissa McIntosh for the enrollment of herself and children, Bertha and Dennis McIntosh as Cherokee freedmen. Said decision was duly forwarded to the Department, and on August 18, 1904 (Land 53809-1904), the Commissioner of Indian Affairs recommended that the decision of the Commission, insofar as it rejected the application of Melissa McIntosh, be reversed, and that she be enrolled as a Cherokee freedman. On September 1, 1904 (I.T.D. 5678-1904), the Department remanded the case of Melissa McIntosh to the Commission, with instructions to procure, if possible, testimony from which to determine whether or not Melissa McIntosh returned to the Cherokee Nation prior to February 11, 1867, the Department stating that the record in the case was enclosed.

In reply you are advised the records of this office

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show that the record of proceedings had in the case of Melissa McIntosh for enrollment as a Cherokee freedman, was not received with the Department's letter of September 1, 1904. After having been notified a number of times of Department's action in remanding her case, Melissa McIntosh appeared before the Commissioner at Muskogee, Indian Territory, on August 31, 1908, and gave testimony in support of her said application. This testimony is enclosed.

Melissa McIntosh claims to have returned to the Cherokee Nation, after the war of the rebellion, with Mose Whitmire. The Department has repeatedly been advised that this office can state positively, from the records in its possession, that no women or children returned to the Cherokee Nation at the time the Webber-Whitmire-Sanders colony of Cherokee freedmen returned to the Cherokee Nation after the war, said Mose Whitmire being a member of said colony, prior to February 11, 1867, the records showing that the members of their families were brought to the Cherokee Nation subsequent to February 11, 1867.

In view of the record in this case the approval

Enclosure

of the decision of the Commission to the Five Civilized Tribes dated July 28, 1904, rejecting the application of Eliza McIntosh for enrollment as a Cherokee freedman is respectfully recommended.

Respectfully,

Commissioner

Encl. D-97

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D.C.12211-1907. W.H.H.

1977

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7906-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of February 28, 1907, sent direct to the Department, in the matter of the application for the enrollment of Melissa McIntosh, et al., as Cherokee freedmen.

It appears that on September 1, 1904, the Department remanded this case to you with instructions to secure, if possible, testimony from which to determine whether or not said Melissa McIntosh returned to the Cherokee Nation prior to February 11, 1867.

For the reasons stated, you recommend that your decision of July 29, 1904, rejecting the application of Melissa McIntosh, and her children, Bertha and Bennie McIntosh, for enrollment as Cherokee freedmen, be affirmed.

It is hereby affirmed.

The record in the matter received with your letter of February 28, 1907, has been sent to the Indian Office for itsfiles, together with a copy hereof.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 enclo. & copy to Ind. Of.
WCF 3/5/07

Chickasaw V.
D 661.

Muskogee, Indian Territory, March 21, 1907.

Mollie McIntosh,
Canon City, Colorado.

Dear Madam:

You are hereby advised that the application for the enrollment of yourself and children, Bertha and Dennis McIntosh, as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl. C-28
LMC

Cherokee F.
D 661.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Melissa McIntosh and children, Bertha and Bennie McIntosh, as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.C-29
LMC

partment of the Interior
Agent to the Five Civilized Tribes
MUSKOGEE, IND. TER.

UNCLAIMED

Melissa Mc Intosh,
~~Tulsa, Indian~~ Territory.

Department of the Interior
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.

[illegible]

[illegible]

[illegible]

[illegible] McIntosh,
[illegible] Indian Territory.

Reg No 9/9

SEP 6 1904

Returned
not called for
Supposed to be at Sulsa I. T.

Cher Fr R 969
Trans. from Cher Fr D 664

Cher Fr R 969

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 19th, 1901

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen, said Landrum being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

Q Give me your full name. A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your post office? A Vinita.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And are they all living now? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed A Yes, sir, in the late war.
Q ~~Thak~~ Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought?
A I stopped in Kansas when I was mustered, in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizens of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about ~~xx~~ 18 years.
Q How long has your mother been dead? A Been dead about 35 years, 36 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 51.
Q When were you and she married? A We was married the first winter at the closing of the war.

Q Where were you married? A Married in Kansas.
Q To whom did she belong when the war broke out? A She belonged to a man by the name of Wright.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A She was a daughter of Judge Martin who lived down here on Grand river at the Green Bridge place.
Q Were you ever married before you married this woman? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Give me the names of these five children? A Jessie Landrum.
Q How old is that child? A Twenty.
Q The next child? A John Landrum.
Q How old is he? A 18.
Q The next child? A Jim Landrum.
Q Jim, Jr., isn't 16, you the the old man? A Yes, sir.
Q How old is your boy Jim? A 16.
Q The next child? A Barbara.
Q How old is Barbara? A Ten.
Q The next child? A Nelson.
Q How old is Nelson? A Eight, will be in July.
Q Are you on the 1880 roll? A I ought to be.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.

The 1896 Census roll of Freedmen of the Cherokee Nation examined and names of applicant's ~~wife~~ not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #3785, James Landrum, Coowescoowee District.
Page 153, #3786, Margaret Landrum, Coowescoowee District.
Page 153, #3789, Jessie Landrum, Coowescoowee District.
Page 153, #3791, John Landrum, Coowescoowee District.
Page 153, #3792, James Landrum, Coowescoowee District.
Page 153, #3794, Nelson Landrum, Coowescoowee District.

Q How comes you didn't get money for Barbara? A I did get money for her.

Page 153, #3793, Emma Landrum, Coowescoowee District.

Q Did you ever call that child Emma? A Sometimes.
Q Well is Emma Really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.
Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied didn't you? A Yes, sir.
Q And what did they say to you; what did they do to you?
A Well, when they made that '80 roll my father told me to work on the plums and he would put all of us children on.
Q Is your father himself on there? A Yes, sir, I think he is.

The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 645, #863, George Landrum, ~~Saltcoowee~~ District.

Q Caroline, who is that? A That's my stepmother.
Q Who is Gammel? A My brother.
Q Your full brother? A Yes, sir.
Q Who is Daniel? A That is my brother.
Q Full brother? A Yes, sir.
Q Sherman, is he your brother? A Yes, sir.
Q Full brother? A Half brother.
Q Now, you were in the army during the war?
A Yes, sir.

Q Where were you discharged, where you were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We was mustered out, it was in '66, and then I came home and looked my people up and found them and then during that Christmas after I was discharged I came on down to the Nation, I didn't stay in Kansas very long.
Q You got married in Kansas? A No, sir, I didn't marry when I came down here.
Q You married in Kansas? A Yes, sir, I went back and married them
Q What year was it you married in? A It was.
Q How long after you were mustered out? A The next spring.
Q You were married in 1866; married the next spring?
A Yes, sir.
Q You didn't mean '66 you mean '67? A Yes, somewhere along there I don't remember good.
Q You say you were a slave in '66? A Yes, sir.
Q Let us understand now just what you mean; you were mustered out in '66 at Leavenworth were you?
A I don't know whether it was '66; I was mustered out the same time Allen Lynch was mustered out.
Q When were you mustered out? A First Kansas Colored.
Q What company were you in? A I was in Company H.
Q Well you were mustered out; what time of the year were you mustered out? A Along, it was getting late i n the fall.
Q Well, how long after you were musted out was it before you came South? A That same winter.
Q You came down you say to look up your people? A No, my people lived in Kansas, I came down here to locate a place.
Q Had you heard of the treaty when you came down? A Yes, that was the t alk of the crowd I came with, all came together.
Q You heard of the treaty having been passed? A Yes, sir.
Q What time was it in the winter you came down?
A Just a little before Christmas.
Q A little before Christmas? A Yes, sir.
Q Where did you go? A Came down here in the Nation.
Q Well did you pick out a place? A We stopped at the place after I got down here.
Q Well you hadn't married at that time?
A No, sir.
Q Well, when did you go back to Kansas? A That spring.
Q And when did you marry? A That spring after I went home.
Q Married pretty soon after you get back there? A Yes, sir.
Q You say when you went home; you mean when you went to Kansas?
A Yes, sir.
Q How long did you stay in Kansas after you married?
A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.
Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.
Q Well how long did you keep that up before you went back andget your wife? A Quite a while.
Q Well, two or three years, four years? A No, it would not be that long.
Q Well how long? = About a year.
Q And then you went back to Kansas and get your wife?
A Yes, sir.
Q And then you brought her down to the Nation?
A Yes, sir.
Q Had you any children at the time you brought your wife down to the Nation? A No, sir.
Q You have some children that are old enought to apply for themselves? A Yes, sir.
Q Were any of them born in Kansas? A No, sir.
Q Were all of them born in the Cherokee Nation?
A Yes, sir.

Q. Well, when you brought your wife down that time did she continue to make her home here with her husband? A Yes, sir.
Q. Did she make her home here ever since? A Yes, sir.
Q. Well, when you came down from Kansas she came with you the first time you came? A Arch Landrum.
Q. Did any of your family come with you? A No, sir, I wasn't married then.
Q. I am talking about your father and mother? A I came before my father did.
Q. Well, how about your brothers? A I came before any of them did.

BY MR. DAVENPORT:

Q. You had children born when the 1880 roll was made didn't you, Jim? A I ain't got any learning, I don't know when the '80 roll was made
Q. It didn't take learning to know whether you have got a child 20 years old or not now? A I don't know.
Q. Have you or not got children that are more than 20 years of age?
A Yes, sir.
Q. Where were you living when the 1880 roll was made?
A Living here on Grand river
Q. What place on Grand river? A Below Tan Yard.
Q. At what place? A I had no post office then.
Q. Had no post office on Grand river in 1880? A Had no post office when I came
Q. I ain't asking you about when you came, I am asking you about 1880? A All the post office I know of then it was up about Tiblow's.
Q. That was in 1880? A I don't know when it was.
Q. Where was it you were living in 1880? A Down about Tan Yard.
Q. Where did you live then? A I lived there with him, helped make that place.
Q. You and your family lived there with your father in 1880,
A Yes, sir, part of the time.
Q. Did you and your family live there with him in 1880?
A Not much.
Q. Did you live there partly with him? A With him all the time.
Q. Well, how long did you live with him? A I don't know.
Q. How long did you live in Kansas after you were married?
A I didn't live there any time.
Q. How long do you think your family stayed there? A I went and got my family, my wife.
Q. Did you bring her home as quickly as you married? A Yes, sir.
Q. Where was she living at the time you married? A At Tuney.
Q. And you left immediately for the Territory? A Yes, sir.
Q. Have you lived in Kansas since then? A Some.

Q. About how long have you lived in Kansas? A Oh, I don't know, just little bit, lived in Kansas and worked.
Q. What place or places have you lived since you married in the state of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.
Q. You say you have lived some in Kansas since you went in, I want to know what places you have lived? A When I went back my folks lived there near Neosho, Kansas, my father did.
Q. You have got people living at Neosho Falls now? A No, sir.
Q. You are not kin to Bill Landrum? A No, sir.
Q. Do you know what her husband is named? A Yes, sir.
Q. What his name? A July Landrum.
Q. He is no relation of yours? A No, sir.
Q. Neosho Falls is where he lives isn't it? A I don't know where he lives.
Q. Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir

Q Where have you lived? A Down here on Grand river.
Q I said where then the Cherokee Nation? A Yes, sir, lived up at Brown's Ferry.
Q Have you lived in any other place out of the Cherokee Nation?
A I lived at Gibson.
Q Gibson isn't in Arkansas? A Yes, sir.
Q Did you apply to the Rob Daniels Court to be admitted, to have your rights established? A Not that I can remember.
Q Did you apply to the Dawes Commission in 1896? A Can't remember
Q You would remember it wouldn't you if you had of done so?
A I don't know whether I would or not.
Q You remember the happening of things very well don't you?
A Sometimes and Sometimes don't.
Q What county in Kansas were you married; you said you were married at Tuesey? (No response.)
Q What County was it Jim? A I don't know; it is in Coffee County or Lime County.
Q What was the county seat? A Burlington.
Q You came back to the Cherokee Nation in what year did you say?
A The winter I was mustered out.
Q What winter were you mustered out? A That is what I can't recollect.
Q You don't know whether it was you were mustered out and don't know when it was you came back to the Cherokee Nation?
A No, sir, it was in the winter I was musted out.

JOHN LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified a follows:

BY MR. SMITH, of Counsel for Applicants:

Q State your name. A John Landrum.
Q How old are you? A 59.
Q Where do you live? A On Lightning Creek.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Jim Landrum? A Yes, sir.
Q How long have you known him? A I have knowed him ever since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q No one? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand river.
Q Well what part of Grand river? A The Island Ford as they call it; Tan Yard Ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to ? A Easter Landrum.
Q She was a Cherokee citizen? A Yes, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war of your own knowledge?
A During the war, he was a Soldier during the war.
Q And you first saw him back here in the Cherokee Nation at that time? A It was here in '66, on the grand river there at his daddy's

BY MR. DAVENPORT:

Q What makes you remember it was in '66? A Because I know it.
Q Well what year was the Wallace roll made? A I could not tell you.

Q You were here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Kern-Clifton roll made? A I don't know.
Q You were here? A Yes, sir.Q
Q You don't know? A I ain't got no education.
Q How do you know '66? A I know it.
Q How do you ~~xxx~~ know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty do you ~~xxxxxxxx~~ mean, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q And at the time the treaty was made? A Yes, sir.
Q His father was with hi was he? A Yes, sir.
Q Did his father come back at the same time he did?
A Yes, sir, of course he did.
Q Then if he says he came before his father did he is mistaken isn't he? A He came before that time expired and remained; he stayed with Arch Landrum and Lewis Rowe.
Q And his father didn't come with him at that time? A No, sir.
Q Well do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place do you know? A Place they called Leroy, just the other side of Leroy; I forget the name of the place but I know just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stayed upo there a great while.
Q Has he been living near you ever since he came back?
A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you; that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.

BY MR. SMITH:

Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.

BY MR. DAVENPORT:

Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember them? A No, sir.

BY MR. SMITH:

Q Where were you when you first heard of this time that the negros had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes, sir.

HENRY SMITH, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give your name. A Henry Smith.
Q How old are you? A 54.
Q What is your post office? A [illegible].
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, by a straight card, sir.
Q Do you mean put on one by this Commission? A Yes, sir, at Vinita.

BY MR. SMITH:

Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 56 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war? A Why it was pretty near about the first of February when I saw Jim.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.
Q Now, about what time you think you saw Jim? A About last part of '66.
Q What did you mean by saying it was in February? A It was in the last part of '66.
Q Well was it in '66? A Yes, sir.
Q How long was it from Christmas? A Why it was about the last part of Christmas; just after Christmas; when I saw him at his fathers.
Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66, it was after Christmas when I saw Jim of '66.
Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.
Q Where did you see him first? A At his father's on Grand river.
Q Had you seen hi m before that? A Yes, sir.
Q Where did you see him? A Saw him in the First Colored Regiment.
Q Where has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.
Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.
Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?
A It was about that time, I remember I went over there and I saw Jim there and it was about the la st part of '66.

BY MR. DAVENPORT:

Q You saw him sometim after Christmas, '66? A Sometime.
Q You don't remember about how long after Christmas it was?
A No, sir, it was about the last part of '66.
Q You thought when you first stated that it was in February, '66?
A I am not positive.
Q Was it about February after the Christmas of '66 or not?
A I am not positive.
Q You know anyway it was after Christmas? A It was about the last part of '66.

BY MR. SMITH.

Q When did you come back to the Cherokee Nation? A I came back in '65 and I got back in the spring of '66, in the fall of '66.
Q The third trip you made? A In the fall, among there, in October.
Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.
Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

COM'N DECISION: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company E; 79th U. S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 53 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 51 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and then married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of the five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

---oooOOOooo---

[illegible]

J. [illegible] Beeson, being first duly sworn, states that as stenographer to the Grand Jury in the [illegible] criminal trial, he has duly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 3rd day of June, 1921.

[illegible]

Commissioner.

FILED
JUN 10 1901

# CHEROKEE FREEDMEN.

Date [illegible]
Post Office [illegible]
Nation [illegible]

1. Name [illegible] Age [illegible]
Owner's name [illegible] Citizenship [illegible]
Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
Parents
Father [illegible] Citizenship [illegible]
Mother [illegible] Citizenship
2. Name of wife [illegible] Age [illegible]
Owner's name [illegible] Citizenship
Year [illegible] Page [illegible] No. [illegible] District [illegible]
Parents
Father [illegible] Citizenship
Mother [illegible] Citizenship

Names of Children

| | | | | | | |
|---|---|---|---|---|---|---|
| 3. | [illegible] | Year [illegible] | Page [illegible] | No. [illegible] | Dist. [illegible] | 20 |
| 4. | John " | Year [illegible] | Page [illegible] | No. [illegible] | Dist. " | 15 |
| 5. | [illegible] " | Year [illegible] | Page [illegible] | No. [illegible] | Dist. " | 13 |
| 6. | Barbara " | Year [illegible] | Page [illegible] | No. 3793 | Dist. " | 10 |
| 7. | Nelson " | Year [illegible] | Page [illegible] | No. [illegible] | Dist. " | 8 |
| 8. | | Year | Page | No. | Dist. | |
| 9. | | Year | Page | No. | Dist. | |
| 10. | | Year | Page | No. | Dist. | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by No 1 Stenographer John O. Rosson

No 1 on K. C. Roll as James Landrum.
No 5 " K. C. " " James "
No 6 " K. C. " " Emma "

Represented by Mellette and Smith, Vinita, I.T.

Doubtful

COMMISSION TO THE ... CONSULTED IN ...
FILED
JUL 31 1901

To be filed with the case of James Landrum, C. F. D. #664.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 11th 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A. About 50.
Q What is your post office? A Vinita.
Q In what district do you live? A. Delaware
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to enroll anyone besides yourself? A. Myself and one child.
Q How old is the child? A. She is 11 years old.
Q How long have you lived in the Cherokee Nation? A. Off and on all the time.
Q Were you born in the Cherokee Nation?A. Yes sir.
Q Were you a slave in the Cherokee Nation~~at the time~~ before the war broke out? A. Yes sir.
Q Did you belong to a Cherokee master when the war broke out? A. Yes sir.
Q Give me the name of your master? A. Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Have you been out since the war? A. Been out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A. I have been out and worked since the war some.
Q Give me the name of your father? A. George Landrum.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. I cant say for certain,been dead quite a while.
Q As much as 10 or 12 years? A 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A. Cassie Landrum.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. I think about 12 years.
Q Was your father a Cherokee freedman? A. Yes sir.
Q Was your mother a Cherokee freedman? A. Yes sir.
Q Where did your master Ben Landrum live? A. On Spaniard creek.
Q In what district? A. Delaware ~~district~~I think.
Q How many times have you been married? A. Twice.
Q Give me the name of your first husband? A. Tom Daniels.
Q Is he living or dead? A. Dead.
Q How long? A. 10 years.
Q Was he a Cherokee freedman? A. Yes sir.
Q When were you and he married? A. Before the war.
Q Back in the days of slavery? A. Yes sir.
Q Give me the name of your second husband? A. Jerry Kirkpatrick.
Q Is he living now? A. Yes sir.
Q Was he a Cherokee freedman? A. No sir.
Q When did you marry him? A. 5 years ago.
Q Have you a certificate of your marriage? A. No sir.
Q Give me the name of your child? A. Ethel Daniels.
Q Is she living now? A. Yes sir.

Applicant not on the 1880 or 1896 roll.

Kern Clifton roll examined and applicants found as follows:
page 153,No 3796 Celia Daniels,Cooweescoowee district.
page 153,No [illegible] Ethel Daniels,Cooweescoowee district.

Q How comes it that you are not on the roll of 1880? A I dont know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A. Neosho Falls, Kansas.
Q With who? A. Lots of us.
Q Did you come with your husband? A. Yes sir he came too.
Q Did you stay there until after the war? A. Yes sir.

Q When did you come back? A. In the spring I guess.
Q Of what year? A. When my father and Simon Lynch came, I dont know the dates.
Q Did your husband come back with you? A. Yes sir.
Q When did he come? A. He went on with his father and my father and he staid and worked a while and he came down the next spring after I did.
Q Did you have any children at that time? A. No sir.

The authenticated roll of 1880 examined and the name of the applicant's father identified on the same as follows:
Page 648, No.663, George Landrum, Saline district.

The 1880 roll examined for the name which the applicant mentioned and same is found as follows:
Page 645, No. 663, Simon Lynch, Saline district.

Q How long after you got back before your husband came? A In the spring
Q How long after you got here before he came? A. I guess it was a year
Q You came one spring and he came the next spring? A Yes sir.
Q Where is Simon Lynch? A. I guess he is at home.
Q How far does he live from here? A. I dont know.
Q Is there anyone here who knows of your having been married? A Yes sir

JAMES LANDRUM, called and sworn as a witness for the applicant, testified as follows:
(By Com'r Breckinridge)
Q What is your name? A. James Landrum.
Q What is your post office? A. Vinita.
Q How long have you lived in the Cherokee Nation? A. All my life off and on.
Q Were you out during the war? A. Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir
Q Do you know this applicant here? A. Yes sir.
Q What kind is she to you? A. My sister.
Q Are you a son of George and Cassie Landrum? A. I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then? A. No sir, half brother to her, my mother was Peggy and her mother was Cassie
Q Was your father married to Peggy before he married Cassie? A. Yes sir
Q When did he marry Cassie, was it in slavery days? A. Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both women of his wives slaves? A. Yes sir.
Q Did he pretend to live with both of them at the same time? A. Yes sir
Q Was that sort of thing permitted in that day? A. Yes sir that was the go in them days, nigger babies is what was wanted.
Q Do you remember when George Landrum came back to the Cherokee Nation.
Q Was you with him? A. No sir I came first before he did.
Q Were you here at the time he came? A. No sir,
Q You went back to Kansas for your family didn't you? A. Yes sir.
Q Were you here when your father came, or were you back for your family? A He came when I went back to Kansas .
Q Youdidn't see him when he got here? A. No sir, I saw him when he started from there.
Q Was your sister with him? A. Yes sir,
Q When you got back did you see him? A. Yes sir.
Q Was this sister with him? A. Yes sir.
Q How long after you saw them in Kansas did you see them here? A It was before I got back here.
Q You saw them leave Kansas? A. Yes sir.
Q How long after that did you next see them in the Cherokee Nation? A In the next fall following.
Q What time of the year did you see them leave Kansas? A It was in '65 I think it was.
Q What time of the year? A. In March.
Q Of '65 and '66? A March of '65.
Q That you saw them leaving Kansas? A. I think it was.

Q Was the war over then? A. Yes sir. Just right at the close of the war
Q Is your name on the roll of 1896? A I don't think it is.
Was applied for yourself a few days ago? A. Yesir.
Q You was put on a contested card? A. I guess so.
Q You ought to know, you was told at the time didn't you? A. Yes sir.
Q Don't you remember? A Yes sir, I remember.
Q Was your step mother with your sister when they came back? A. No sir
Q Where was she? A. At Gibson.
Q Didn't she live with your father after the war? A No sir.
Q Did she go out during the war? A. Yes sir.
Q What was the name she went by after the war, Landrum? A.Yes sir.
Q Didn't she marry another man and take his name? A No sir.
Q How long do you think Cassie Landrum has been dead? A. She has been dead 15 or 16 years.
Q Did she continue to live in the Cherokee Nation after the war? A. Yes sir.
Q Where has this 1/2 sister of yours lived since the war? A. She has lived at Green's Ferry and Green's Ford and in Gibson Lynchs settlement and in Arch Landrum's settlement.
Q Has she ever lived outside of the Cherokee Nation since the war? A Nowhere of the time.
Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A. Yes sir.
Q What do you mean to say then? A That she has lived right where my father first brought her most of the time since the war.
Q Then you mean that she has lived in the Cherokee Nation most of the time since the war dont you? A. Yes sir.
Q You are positive that she has made her home here all the time since the war? A. Yes sir.
( By the Commission of the applicant-)
~~Q You didn't say this when he got there? A No sir, I was this when he started down there. Q There you spent another Q Then there you spent as much as half your time in Kansas? A No sir, would come back.~~
Q You didn't indicate that you had made your home here all the time since the war did you? A. I worked out some.
Q Where have you been out at work? A. At Neosho Falls some times
Q Any other places? A Chetopa.
Q Anywhere else? A. No sir.
Q How much work have you done at Neosho Falls? A Sometimes six months maybe seven, then I would make a trip back here.
Q Did you take your family with you? A. Yes sir I would take the baby there sometimes.
Q How about Chetopa? A Yes sir the same way.
Q Have you spent as much as half your time in Kansas? A No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
Q When did your last husband die? A 8 years ago.
Q Where did you marry him? A Neosho Falls.
Q Where did you marry your first husband? A. On the river where I live now.
( By Commissioner of witness, James Landrum)

Q What was the name of your sister's first husband? A Tom Daniels.
Q When did she marry him? A. Long before the war.
Q How long has he been dead? A. Been dead about 15 years.
Q Did she live with him until she died? A. Yes sir.
Q What was the name of her second husband? A Jerry Kirkpatrick.
Q How long has he been dead? A. About 4 years I think.
Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.
Q Did she marry him after Tom Daniels died? A Yes sir.
Q Has she ever been married except these two times? A No sir.
Q Did she live with Kirkpatrick until he died? A. Yes sir.
Q Do you know that your sister had been in the habit of going to Neosho Falls and Chetopa and working there? A No sir.
Q You dont know anything about it? A. No sir.

[illegible]

[illegible]

[illegible]

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31/162

File with Lizzie Allen C. R. No.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 12th 1906.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jim Landrum et al, C. R. No. 444.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

C. R. GRIFFITH being first duly sworn before Com'r T. B. Needles testified as follows on the part of the Cherokee Nation.

( By Davenport )

Q What is your name? A C. R. Griffith.
Q Where do you live? A Vinita.
Q How old are you? A 38.
Q Where did you live before coming to Vinita? A Emporia, Kansas.
Q Did you ever live at Neosho Falls, Kansas? A Yes sir.
Q How long did you live there? A From '76 until '87.
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there.
Q Did he have a family there? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No sir.
Q Have you seen him since he came to this country? A Yes sir.
Q Do you know where he lives now? A No sir I just seen him here in town.

( By Smith )

Q You dont know if the man you are talking about is the same man who is an applicant in this case or not? A Yes sir the same one that was pointed out to me.
Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith, I knew him when I was going to school there, I can't say when I first knew him.
Q How long did you live in Emporia? A From '87 or '8 when I first went up there un til '92 when I left.
Q Where did you first know this man you are talking about in Neosho Falls Kansas.
Q What year? A I knew him until I left there, I dont know when I first knew him.
Q Did you know him in Emporia? A No sir.
Q You say you left there about '87 or '8? A Yes sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.
Q And you cannot say when you first knew Landrum? A No sir.
Q Do you know his family? A Only the boy Ed.
Q Was he grown? A Yes sir.
Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Have you been in Lawrence lately? A I have been in it.
Q You don't know where the Lawrence [illegible] Q No.
Q How old did you say you were? A 36.
Q How often, could you see Lawrence there at Baldwin Junction? A When
I was every day for a good many days was there sometimes and may be
a week or two.
Q Do you know if he lived at that one place or more than one place?
A He lived at more than a one place in Douglas County.
Q You don't know really how long you was there? A No sir.
Q You don't know if all his family was there? A No sir I don't know
how many he had in his family.
Q You don't know anything about where he lived before he came there?
A No sir.
Q You don't know if he owned any property in the Cherokee Nation? A
No sir.

DENNY CRAVENS, being first duly sworn by Capt. T. M. Rawlins, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A Denny Cravens.
Q Where do you live? A In Vinita.
Q How old are you? A 42 or 3.
Q Did you ever live in Kansas? A Yes sir.
Q Did you ever live in Neosho Falls? A 12 miles from there.
Q At what place? A Iola.
Q Did you get acquainted with a colored man named Jim Landrum there in Kansas? A Yes sir.
Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knowed him.
Q Have you ever seen him since he left there? A Yes sir.
Q Where? A Here.
Q Vinita? A Yes sir.
Q Where is he living now? A North of here the other side of the mill.
Q How long has he lived there? A Between five and six years.
Q When did you see him in Kansas? A About 180.
Q Did he have a family? A Yes sir.
Q Do you know when he came there? A No sir.

( By Smith )

Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off on & on.
Q Mostly off or on? A Oh every six months or so I would come here.
Q When did you first come? A I came right after the close of the war
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichater and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though; I did stay a while in Coffeyville
Q Did you ever live in Geneva? A No sir.
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and talks.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q That have been testifying in a great many Cherokee cases? A No sir I have only been here twice before.
Q You have been here more than that haven't you? A No sir this makes the second time.
Q The other day during you when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
Q Didn't I ask you that to state all the places in Kansas that you were familiar with? A No sir I don't think you did.
Q Didn't I ask you that and didn't you undertake to tell me all the

places you had been in Kansas? A I named such places as you named, as you asked me about.

Q Didn't you understand he was asking you if you had been in Kansas? A No sir. Only those ones you asked me about.

Q Didn't you understand to name all of them that you had been? A No sir. I didn't understand that question. You asked me if I had been in some places, but you never asked me the main question.

Q You have been in the penitentiary haven't you? A Yes sir.

Q In Kansas? A Yes sir.

Q You pleaded guilty to whiskey selling in the Territory? A Yes sir but I never sold any.

* * * * * * *

This will be filed in the original application, D-696 and also in D-698; D-700; D-701 and D-701.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Charles Weise

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

236622

F. T. and.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 9, 1906.

In the matter of the application of John Riley for enrollment as a freedman,

Continued to date.

Applicants represented by Valentine & Smith.
Cherokee Nation represented by J. L. Davenport.

J. . DEARMON, being first duly sworn, testified as follows:

MR. RAVENWOOD: What is your name? A J. . Learned.
Where do you live? A Neosho Falls.
What is your age? A 46.
How long have you lived at Neosho Falls, Kansas, Mr. Learned?
Ever since '87.
After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A By about '90.
What were the names of the Landrum that you came learn, the older ones, Mr. Learned? A Jack and Jim.
Did they have a family there?? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '80? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place on that neighborhood? A Why, yes, sir, Jim Landrum moved to town.
Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he came back down here.
Q Now from the time you went to Neosho Falls—that was in what year? A We went to Neosho Falls?
Q Yes sir. A Came there in '57.
Q Well, now when did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, '66 was the first I recollect of them.
Q Well how then they lived on your father's farm until about then? A Yes, sir, on there in '68.
Q Jack or Jim moved away first? A Jack moved away first.
Q When do you think now he left the farm? A Well I don't know as I could just say when he left. but he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes sir.
Q How many children had Jim when he came on your father's farm? A Didn't have any just married.
Q Did you know what his oldest child's name was? A Yes sir.
Q What is it? A Called her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.
Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.
Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhere along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MILLETTE: When did you say your people first moved up there? A '57.
Q You remember that do you? A I remember when I first moved there, yes, sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I - remember.
Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '59.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

Q Didn't you just swear—I ask you in the presence of [illegible] witnesses—swear that you remembered when your people moved there in '67, now answer whether you said that or not? A I don't know I did.

Q You swear that I do you, read the record.

(Record read).

Q Now don't you think that's rather wild swearing?

MR. LAYMAN: I object to that question.

MR. DAVENPORT: Don't you think that's rather wild swearing?

COMMISSION: Answer the question, Mr. Lengel.

A Swearing why I knew when I moved there in '67?

MR. MELLETTE: Yes, sir. A No, I don't recollect when I moved there in '67.

Q What made you swear it then? A Don't know as I understood the question.

Q Well I asked the question straight out; how old were you in '68? A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when these people left there, and every thing of that sort, do you? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being executed.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me.

Q You're testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said—

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir. I do not.

Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—

MR. DAVENPORT: I object to that — because that's not evidence of where he was.

MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—

MR. DAVENPORT: That's no evidence where he was in '68.

COMMISSION: 1880 roll page 121, No. 1681, John Landrum, Cooweescoowee District, Adopted Colored.

MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.

Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q That meeting? A Dark meeting.
Q Then was that meeting? A That must have been right in [illegible] 1, I guess.
Q Well do you remember every body that you saw at [illegible] when you were 11 years old? A No, sir.
Q Why? A Don't know, sir, so I remember, if you weren't living on our place.
Q Who lived on your place? A Jack Landrus and Jim.
Q Jack Landrus and Jim; where were they in '67? I didn't tell you.
Q Don't know where Jack Landrus or Jim at [illegible] in '67? A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not? A No, sir.

MR. DAVENPORT: You know that after that they lived on your father's FARM? A Yes sir.
Q And you know that Jim Landrus's children were born [illegible] they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

State of Kansas)
Woodson County.) SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Kanna was continued from the fall Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Melillo and Ben Landrus were witnesses in said case as the same appears of record in my office.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk.

MR. MELLETTE: Did you ever see that certificate? A No, I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-603, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

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I, Margaret Gruninger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Gruninger

Subscribed and sworn to before me this 8th day of May, 1962.

Notary Public.

[illegible] by the special per-
[illegible] of the firm of attorneys representing these applicants, on
the 31st day of May, 1902, and that this being the 31st day of
May, 1902, it was decided under the rulings of the Commission, that
under the agreement between the attorneys, that the testimony in
all these cases is to close and should be closed by the Commission,
and that no extension should be granted in any case and no case
reopened unless there is some special and particular reason shown
either by the Cherokee Nation on the one side or the applicant
on the other, or attorney of the [illegible]

The [illegible]

[illegible]

The undersigned, being duly sworn, states that he stenographer
to the commission to the Five Civilized Tribes and correctly recorded
the proceedings in the above case, and that the foregoing is a true
and correct transcript of the stenographic notes thereof.

(Signed) E. [illegible] Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

in the case of [illegible], trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher.Fr.D-604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JAS LANDRUM, SR., MT AL., as Cherokee Freedmen.

Appearances:
J. S. Davenport and L. B. Bell, Attorneys for Cherokee Nation.

JAMES LANDRUM, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A James Landrum.
Q How old are you? A I reckon I must be about between fifty-five and -six. I don't know my age exactly.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Is Margaret Landrum your wife? A Yes sir.
Q When did you first get acquaintedwith your wife? A That has been about forty years ago, I guess.
Q Did you know her before the war? A No sir.
Q Do you know when she returnedto the Cherokee Nation after the war A Yes sir.
Q Did she come back the same time you did? A No sir, not the same time I did.
Q When did you first see her after the war? A I first seen her the winter after the war.
Q What time in the winter? A Along about Christmas. Let's see. Yes, I seen her before the war, I am certain I did.
Q I am asking you after the war, when did you first see her after the war? A After the war I first seen her, the first winter after the war? I was a soldier, and when I got my discharge and come home to my people, then that's the time I seen her.
Q Was that before Christmas or after? A It was just right in Christmas.
Q Was that the first year after the war? A Yes sir, I think so, I know it was the first year after the war.
Q Where did you seeher at that time? A Seen her in Lynn County, Ottumwa, Kansas.
Q You first saw her in Kansas? A Yes sir.
Q The first year after the war? A Yes sir.
Q How long did she stay there? A She stayedthere until that spring
Q Until the following spring? A Yes sir.
Q Had she been down, at the time you saw her, had she been down in the Cherokee Nation since the war? A I marriedher and brought her down the next spring.
Q That would be the second year after the war? A Let's see, I was discharged along in the winter, and that Christmas I got acquainted with her, got to going with her, and that spring following we was married.
Q Then when did you bring her down to the Cherokee Nation?
A That spring.
Q Right after you were married? A Yes sir.
Q How did you come down here then? A Come down with a wagon and team.
Q Who came down with you besides your wife? A There was a whole team of us.

Q Name as many as you can? A There was Arch Landrum, Al Lynch, Alice Lynch, Arch's family, a white man named Lewis Vittitoe, and another white man named George Rockwell. Then there was a lot of them ahead of us just at the same time. There was Lewis Rose's family.
Q Any more than a week apart? A No, it wasn't that long.
Q Who was in that crowd right ahead of you? Lewis Rose, who else?
A Lewis, we's ap ahead of him, and right after we came there was another crowd. Reuben Downing and his crowd came.
Q Who else was with Reuben Downing? A I don't know, just his family, I think. Just him and his family.
Q Where did you and Margaret come to at that time? A Came on the river here.
Q What river? A Grand river.
Q In what district? Couldn't -
Q In what nation? A Cherokee Nation.
Q Near whose place did you settle? A We settled on Johnson Thompson's place, Jess Cockrum was living there then.
Q Who else was living there besides Jess Cockrum? A His family.
Q Who else? A Uncle Arch Landrum.
Q Anybody else living around there? A Right around there in the neighborhood? There was no one then in that neighborhood but us at that time. Then we moved west on the road.
Q Now there did you and Margaret live after you came here? A We lived right on the Bob Downing place, on the road.
Q In the Cherokee Nation? A Yes sir.
Q How long have you and Margaret lived in the Cherokee Nation since you ~~xxxxxx married~~ came back after the war? A We have lived in the Cherokee Nation off and on, I couldn't tell you. Then we moved back and forth up and down the river to her father's, and made amfield there.
Q Have you and your wife lived out of the Cherokee Nation since you came back? A No sir.
Q Have you ever lived in Kansas? A I worked in Kansas.
Q Was your wife there with you? A No sir.
Q Has your wife ever been out of the Cherokee Nation since you came back after the war? A She was out of the Cherokee Nation when I married her.
Q Since you married her and came back? A No sir.
Q Has she lived continuously in the Cherokee Nation since she came back after the war? A Yes sir.
Q You say you were out to work? How long would you stay at a time?
A I don't know how long I did work. I worked up there in Parsons when Parsons was growing up new, when they were making the town. I went back up there and worked in Parsons.
Q How long would you stay there at a time? A I would stay there sometimes two or three months, sometimes a month or so.
Q Did you keep your household property and furniture down here in the Cherokee Nation? A Yes sir.
Q You never took your wife up in Kansas with you? A No sir.
Q Have you and your wife always counted this your home since you came back after the war? A Yes sir, we was bred and born here.
Q How long have you and your wife lived continuously in the Cherokee Nation without going out to work? A All along, right along
Q You said a while ago you went out to Parsons, Kansas? A I went out, but I didn't take her.
Q How long have you lived continuously in the Cherokee Nation?
A Pretty near all my life, except the time I was in the war.
Q I am talking about since the war? A I have lived in the Cherokee Nation all along, right along from Fort Gibson up and down this river
Q All along for how long? Since what time? When was the last time you went to Kansas to work? A The ladt time I went to Kansas to workwas when Parsons was just, I can't tell when it was, Parsons was just coming up.

Q Was that before 1880? A Yes sir, I go school so. I don't read and write.
Q Do you remember when the census takers came around in 1880?
A No sir.
Q Do you remember when the Wallace roll was made? A Yes sir.
Q Have you and your wife lived together continuously in the Cherokee Nation since the Wallace roll was made? A Yes sir.
Q Never been out? A No sir.
Q Were your children all born in the Cherokee Nation?
A Pretty much, yes sir.
Q Were they ever out, any of them? A Yes sir, I had one girl out.
Q What was she doing? A I couldn't tell what she was doing.
Q What is her name? A Frances.
Q She is not included in this application. You applied for your children Jessie, John, Jim, Jr., Barbara and Soleem. Were they all born in the Cherokee Nation? A Yes sir.
Q Have they lived here all their lives? A Yes sir.
Q Are they still living? A Yes sir.

MR. DAVENPORT: What is your oldest child's name? A Alice.
Q Your next one? A Ed.
Q Your next one? A Frances.
Q And the next one? A Lizzie.
Q Did you everhave a Hattie in your family? A Yes sir.
Q Ever have one called Belle? A Yes sir.
Q One you called John? A Yes sir.
Q When did you say you and your wife came back to the Cherokee Nation after the war? A We came back on the river.
Q What year? A It was right after the war.
Q Did you everknow a man by the name of Ben Landrum? A Yes sir.
Q Did you everknow a man by the name of Tom Daniels?
A Colored man?
Q Yes. A Yes sir.
Q Where was you living when you first knew them after the war?
A Me and him was soldiers together.
Q When you were discharged from the army, where did you and he first locate? A I don't know where he located.
Q Where did you go when you was discharged fromm the war?
A Ottumwa, Kansas.
Q How far is Ottumwa from Neosho Falls? A Couldn't tell you.
Q Did you ever live in the town of Neosho Falls, or within two miles of that town, Neosho Falls, Kansas? A No sir.
Q Did you ever know a man by the name of C. W. Leonard? A No sir.
Q Did you everhave a brother who went by the name of Jack Landrum, who lived near Neosho Falls, Kansas? A Jack Landrum lives out on Lightning Creek.
Q Is he kin to you? A He is a brother.
Q You had a brother by the name of Jack Landrum? A John.
Q I want to read this to you, and ask you if it is true. This question was put to C. W. Leonard, of Neosho Falls, Kansas, and answered as follows: "On your father's place, do you remember the name of any of their family, of the children? A Why some of them I remember. Ed Landrum, that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Belle, and one, boy, named John." That is referring to a man who is an applicant by t he name of James Landrum Sr., and this man states that he knew the given names? A I don't know that family. It is all false.
Q Did you everlive in Kansas within about two miles of Neosho Falls? on a man's farm by the name of Learned? A No sir.
Q These names given here by Mr. Learned correspond exactly to your children's names, don't they? A Yes sir, so far.

Q You moved on Mr. Learned's farm in 1866, didn't you?
A I don't know, sir.
Q When was you and your wife married? A I said we was married the next spring after the war. I don't know the dates or nothing of that kind, I can't read.
Q I am simply asking you the facts, those facts you can remember. Now I will ask you another thing, if, when the 1860 roll was made, if you wasn't then living at Neosho Falls on old man Learned's place?
A No sir.
Q I will ask you if you didn't live --
A At that time I think I was in Fort Gibson.
Q I will ask you if you didn't move from Mr. Learned's farm in 1862 to the town of Neosho Falls there, and remain until 1864 and part of 1865? A No sir.
Q Where did Tom Daniels live? A I couldn't tell you a thing about Tom Daniels. Tom Daniels went from one place to the other. I heard he had consumption.
Q Where did Ben Landrum live, Charlie Landrum's father? A Ben Landrum livedout east of here.
Q When you knew him after the war, where did he live? You mean old Ben Landrum, colored Ben Landrum. I don't know the colored Ben. I know the white Ben Landrum.
Q Did you know in 1868 a man by the name of Hanks, coming from Illinois and going to Neosho Falls, Kansas, and he got into a difficulty, in which Tom ~~Landrum~~ Daniels and Ben Landrum were used as witnesses? A Nosir, I don't know anything about it.
Q Ed Landrum is your son? A Yes sir.
Q He is the one that is living over to Wichita, Kansas?
A I don't know where he is living.
Q That's where he was living when he made application, wasn't it?
A I don't know whether it was Wichita or Winfield.
Q It is one of those towns? He came from there to Muskogee to make application? A I couldn't tell you.

ARCH LANDRUM, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Arch Landrum.
Q How old are you? A I don't know my age? I guess I am close on to seventy.
Q What is your post office? A Ketchum.
Q In what istrict do you live? A Delaware.
Q Do you know Jim Landrum, Sr.? A Yes sir, I know him.
Q Who was his father? A George Landrum.
Q Who washis mother? A Peggy Landrum.
Q Was Kim Landrum, Sr., any relation to you? A No sir.
Q Did he belong to the same man? A No sir.
Q Did you know Jim Landrum before the war? A Yes sir.
Q Who did he belong to Aaron Landrum.
Q Was he a Cherokee? A Yes sir.
Q Did Jim belong to Aaron Landrum before the commencement of the war?
A Yes sir.
Q Was Jim taken out of the Cherokee Nation during the war?
A He went out, I guess he was taken out.
Q When did he return? A He come back a little before the boys that came back with me. The time wasn't up yet for us to come back, but we come back in that time.
Q Did anybody else come back at that time with him? A All my folks come back.

Q Who were they, your folks? A My wife and children, I had five or six children, and Lewis Rose's outfit was right ahead of us, and Al Lynch and Steve Lynch.
Q Who else? A A couple of white men, one named Vittitoe, and I forget the other one's name
Q When did you come back after the war, what year? A I don't know what year. I know we was all to get here in '66, and I came here before that time.
Q Did you bring Jim Landrum back before the treaty was made?
A Yes sir.
Q Where did you come to? A A place called Ketchum's now, stopped with Jess Cookrum.
Q In the Cherokee Nation? A Yes sir.
Q How long did you and Jim stay there? A I stayed there until along the last of March. I crossed the river then and went on to Bob Downing's place, and went and put in a crop of corn.
Q How long did Jim stay in the Cherokee Nation when he came with you? A He stayed a good while.
Q Did he stay as long as two or three years? A No, not that long.
Q As long as a year? A About six months, I think, the first time he came; he went back.
Q Back where? A To Kansas, and came right straight back. He had some of his family down here. His dad had done come then.
Q Was he living here in the Cherokee Nation when the treaty was made
A Yes sir. he
Q How longdid ~~you~~ live here after that? A How long after that? I couldn't say. He went back to Kansas and got another load, and that was in '66. I couldn't tell you exactly when. Me and him went down to Tahlequah to move my mother.
Q Was Jim and Margaret married before they came down here?
A Now I couldn't tell you much about that.
Q Did his wife, Margaret, come down with you? A No sir.
Q She didn't come down the first time, the timeyou brought Jim?
A Not the first time I come.
Q When did you first see Margaret Landrum? A It wasthe next time after he came here, herdad was living right close by me. She went right on the river there.

MR. BELL: When wasthat, he wants to know? A I couldn't tell you.

BY COMMISSION: How long was that after the close of the war when you first saw Margaret? A It was, - he went back in Kansas and come again.
Q Wasthat in '66, or '7, or '8, or when? A I think it was along about '67.
Q You don't think Margaret came down here until '67? A Somewhere along there, as near as I can recollect.
Q That is the first time you saw her in the Cherokee Nation?
A Yes sir.
Q What colored people did you find living here when you came down with Jim? A There wasn't any in here but Cherokees. There wasn't no colored people at all but what come with me.
Q You brought Jim with you the first time you came down afterthe war? A Yes sir.
Q Wasthat after the close of the war? A The war was closed, yes sir.
Q How longdid Jim and Margaret Landrum live in the Cherokee Nation after the war, how many years, how longdid they stay here?
A Jim and Margaret, I couldn't tell you, they were living right where I was. I don't know how long they did stay there. I lived at a different place.

Q Have you seen them often since the close of the war?
A Yes sir, I have seen them often, tolerably often.
Q Where have Jim and Margaret been living the last twenty years?
A I cannot tell you that. I know they was here and drew their strip money twenty years ago. I made a mistake, twenty years ago she was down at her dad's.
Q You have applied to the Commission for enrollment as a Cherokee freedman, haven't you? A Yes sir.

MR. DAVENPORT: Arch, where was Jim when the war closed?
A Neosho Falls, Kansas.
Q Now, was you there at that time? A At Neosho?
Q Yes. A I was living there.
Q How long did Jim stay there after the war closed? A After the war closed he came right off with me. We had to come here in such a time.
Q Just answer the question. Did Jack Landrum, or John Landrum, the brother of James, ever live at Neosho Falls, Kansas, Jack or John?
A This Jack out there.
Q Did he ever live at Neosho Falls, Kansas? A Yes sir, he lived up there.
Q What did they do in the way of work while they were up there, if you know, Arch? A Farmed a little.
Q Did you ever know a colored man by the name of Ben Landrum up there at Neosho Falls, that belonged to the Landrums? A Yes sir.
Q Ever know a colored man by the name of Tom Daniels up there at Neosho Falls? A Yes sir.
Q Do you know what became of them? A Old man Ben, he died up here to Chetopa when we came down. He died up there.
Q Where did Tom die? A He died up there to Kansas.
Q Did you and Jim Landrum remain at Neosho Falls, Kansas, until Ben Landrum left there and came to Chetopa? A I came off and left Ben there.
Q Where? A At Neosho, then afterwards he came on down pretty soon, and stopped at Chetopa. He died there.
Q Have you any idea how long you had been away fro m Neosho Falls when Ben came up there to Chetopa? A He didn't stay in Kansas very long after that.
Q And Ben Landrum, and Tom Daniels, an d yourself and Jim Landrum the applicant in this case, did live at Neosho Falls, Kansas?
A Yes sir, we lived to Neosho Falls, not in town, but in the neighborhood.
Q Was Jim Landrum married at the time you lived at Neosho Falls?
A Jim was in the army.
Q Was he married before he came down here, the time you say you came with him? A He climbed on there, I couldn't tell much about it
Q He told you as you came down whether he had a wife or not, didn't he? A I don't know.
Q You know whether he had a wife or not when you started down here together? A We sure came together.
Q I say he had a wife or family? A He had one when he came back.
Q Did Jim say at the time he came down here that he had a wife?
A He didn't say.
Q After the time you came down here, back to the Cherokee Nation, did Jim come down here with a wife? How many years was it?
A After he went back?
Q Yes. A He went back a time or two. He didn't come back once. He had a lot of plunder and went back several times.
Q Who is correct, he or you? He says he didn't get back at all, and you say he did, which is correct? A Didn't he tell you he went up?
Q No sir, he didn't. He says he has been living down here continuously. He says he went back up to Parsons and worked a while.
A When he helped me to move back, he went back up to Kansas, and when he came back we went to Tahlequah to move my mother.

Q Has Jim Landrum any children? A Yes sir.
Q Do you know the name of the eldest child? A No, I don't.
Q Is it Alice? A Might be.
Q You don't know? A They didn't stay around me, didn't pay much attention to it.
Q Do you know whether or not he has one by the name of Ed?
A Yes sir.
Q Where was Ed born? A Couldn't tell you.
Q How far have you been living from Jim Landrum since he moved his family down to the Cherokee Nation? A I live on the river, and he lives in town.
Q How far was that from where you lived? A About five or six miles
Q Now when he brought his wife down to the Cherokee Nation, did he have any children born at that time? A I think he did.
Q How many? A Never counted them. She had a whole lot of children
Q When he brought his wife down here to the Cherokee Nation they had some children the nearly grown , didn't they, Arch?
A I think they did.
Q I will ask you if the Boy John Landrum wasn't quite a good-sized boy? A I think so.
Q That is about the sixth child of the family? A I guess so, I don't know just how many children he has got.
Q You remember one by the name of Alice? A Yes sir.
Q One by the name of Frances? A Yes sir.
Q You remember one by the name of Ed? A That's a boy.
Q One by the name of Hattie, and one by the name of Belle?
A No sir, I don't.
Q One by the name of John? A I don't know all of Jim's children at all.
Q You remember that he has one by the name of John? A I remember hearing him call that.
Q Didn't Jim Landrum, for the first time since the close of the Civil War, move his family from Neosho Falls, Kansas, to the Cherokee Nation in the fall of 1884, or winter, of 1885? Answer me yes or no?
A I don't know whether he did or not. Couldn't tell you either way.
Q Had you ever seen his wife and children in the Cherokee Nation prior to 1884, that's before that time?

MR. BELL: That will be twenty years ago.

A Yes sir, I saw her at her dad's.

MR. DAVENPORT: After you left Neosho Falls, Kansas, and came down in '65, did you ever go back to Neosho Falls? A No, I didn't go back, never did, aint been back since.
Q Where was Jim Landrum living when the 1880 roll was made?
A Whoih Kim Landrum you mean?
Q Where was he living? A I don't know where he was living, it must have been here in town.
Q Where was he living when the 1881 payment was made? A Couldn't keep track of all that.
Q As a matter of fact, you don't know anything about Jim Landrum or his family, until the last fifteen years? A No sir, I don't, only what I been telling you.
Q You came here today to testify for him, didn't you? A That's what he wanted me for.
Q Then you mean to say - he didn't tell you what the Commission wanted? A He never spoke to me about it.
Q Is this the first time you have testified in this case?
A Yes sir, the first time I ever testified in this case.

Q. Did you ever know a man by the name of Leonard in Pocola in the who owned a farm out on the river, and who lived in town there?
A. Right in town, I think I did.
Q. Do remember the circumstances of a fellow named Hale getting into a row with the colored people and was arrested? A. Yes sir.
Q. Did remember that Tom Lee Hale and Ben Lambrum were witnesses?
A. Yes sir.
Q. Where was Ben Lambrum living at that time? A. Living around Howe somewhere.
Q. He was still living in the neighborhood of Pocola Mill at that time? A. Yes sir.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 20th day of October, 19 03.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the applications of

| | | | | |
|---|---|---|---|---|
| Jim Landrum, Sr., et al. | Cherokee Freedmen | | D | 644 |
| Frances Banks, et al. | " | " | D | 696 |
| Nelle Landrum, et al. | " | " | D | 698 |
| Alice Lynch, et al. | " | " | D | 700 |
| Lizzie Allen, et al. | " | " | D | 701 |
| Ed Landrum, | " | " | D | 702 |
| | | | D | 1112 |

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Jim Landrum, Sr., for the enrollment of himself, his wife, Margaret Landrum, and his minor children, Jessie, John, Jim, Jr., Barbara and Nelson Landrum; by Frances Banks for herself and her minor children, Bert and McKinley Banks; subsequent to the date of the last mentioned application an affidavit was filed with the Commission showing the birth of another child, Hortense Banks, on September 12, 1902, and the same is made a part of the record herein; by Nelle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma Landrum, Viola Landrum and Frank Allen; and by Ed Landrum for himself. Copies of the testimony taken at various times in the matter of the applications of Jane Riley, Cherokee Freedmen D 900, and Colin Kirkpatrick, et al., Cherokee Freedmen D 672, are made a part of the record herein.

The evidence shows that the said Jim Landrum, Sr., and Margaret Landrum were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion Margaret Landrum was taken to Kansas, and Jim Landrum also went out of the Cherokee Nation and joined the United States Army, but he returned to said Nation and was residing therein within the time specified, in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation; that in the Spring of 1867 said Jim Landrum, Sr., went to Kansas, where he married said Margaret Landrum, and some time thereafter brought her to the Cherokee Nation. All the other applicants herein are the descendants of said Jim Landrum, Sr., born since 1866, and claim right to enrollment through him.

None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It does not appear that Jim Landrum has ever removed from the Cherokee Nation with his effects and become a citizen of another government. On the contrary it is shown that he has continuously resided in the Cherokee Nation since the making of the Wallace roll in 1896. It further appears that all the other adult applicants herein have kept their permanent residence in said Nation since birth, though Alice Lynch, Lissie Allen and Ed Landrum have been living without said Nation at various periods for temporary purposes. The residence of the minor applicants herein is considered to have been, since birth, with the respective parents through whom they claim.

It is, therefore, the opinion of this Commission that Jim Landrum, Sr., Jessie Landrum, John Landrum, Jim Landrum, Jr., Barbara Landrum, Nelson Landrum, Frances Banks, Earl Banks, McKinley Banks, Mortenso Banks, Belle Landrum, Velma Landrum, Alice Lynch, Laura Lynch, Lissie Allen, Emma Landrum, Viola Landrum, Frank Allen and Ed Landrum should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of Margaret Landrum as a Cherokee Freedman should be denied, under the provisions of said Section 21, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this _____ 1904

that the said John Bauman [illegible] Cherokee Nation within the time prescribed by the [illegible].

Affidavit is also invited to the testimony [illegible] and in behalf of Cherokee Nation being that of C. E. Griffith of Vinita, I. T. who knew James Lawrence at Coffeyville, Kansas [illegible] twelve years prior to his alleged contradiction the testimony of the said Lucinda and his witnesses and the testimony of [illegible] witnesses who knew the applicants in the [illegible] of Kansas for a number of years. And in addition to the above witnesses your attention is invited to the testimony of C. W. Leonard of Coffeyville [illegible] James Lawrence and Lucinda Lawrence and the Lawrence brothers [illegible] in the [illegible] of Kansas for a number of years thereafter.

After a careful examination of evidence and from an examination of the [illegible] discovered testimony we are firmly convinced that these applicants are not entitled to be enrolled as Cherokee citizens of the Cherokee Nation and therefore for the reasons herein above indicated we [illegible] the Commissioner [illegible] one [illegible] order that the [illegible] discovered testimony be [illegible] and the said J. W. Lawrence [illegible] be [illegible] as a Cherokee [illegible]

FILED

that the said John Landrum himself did not return to the Cherokee Nation within the time prescribed by the treaty of 1866.

Attention is also invited to the testimony introduced in behalf of the Cherokee nation being that of G. E. Griffith of White I. T. who knew Sam James Landrum at Neosho Falls, Kansas for ten or twelve years which directly contradicts the testimony of the said Jim Landrum and his witnesses and the testimony of Reese Gravens shows that he knew the applicant in the State of Kansas for a number of years. And in addition to the above witnesses your attention is invited to the testimony of G. W. Learned of Neosho Falls who knew James Landrum also Jack Landrum who is Jim Landrums ~~brother~~ witness John in the State of Kansas for a number of years thereafter.

After a careful examination of evidence and from an examination of the newly discovered testimony we are firmly convinced that these applicants are not entitled to be enrolled as Cherokee Freedmen citizens of the Cherokee Nation and therefore for the reasons herein above indicated move the Commission to reopen the case in order that this newly discovered testimony might be introduced showing that the said Jim Landrum did not return to the Cherokee Nation within the time prescribed by the Treaty of 1866.

Respectfully Submitted,

W. W. H.

J. C. S.

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Western District SS.

A F F I D A V I T.

W. W. Hastings of lawful age being duly sworn on oath says that he is one of the Attorneys for the Cherokee Nation, Indian Territory in the matter of the enrollment of Cherokee Freedmen by the Commission to the Five Civilized tribes; that has read the foregoing ~~two~~ pages of the motion to reopen the case of JIM Landrum et al; that he is acquainted with the matters and things therein stated; that he believes that the witnesses mentioned in this motion will testify as stated therein; that this motion is not made for the purposes of delay but that justice might be done.

Subscribed and sworn to before me this 14th day of September 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHEROKEE ENROLLMENT DIVISION.

In The matter of the application of Jim Landrum Sr., et al for enrollment as Cherokee Freedmen, consolidating the cases of

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|---|---|---|---|---|
| Jim Landrum Sr et al | Cherokee | Freedmen | D | 644. |
| Frances Banks, et al | " | " | D | 699 |
| Belle Landrum | " | " | D | 700 |
| Alice Lynch, et al | " | " | D | 701 |
| Lizzie Allen, et al | " | " | D | 702. |
| Ed Landrum | " | " | D | 1118. |

PROTEST AND MOTION TO REOPEN.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on August 29th 1904 and respectfully moves the Commission to reopen these cases in order that new discovered additional testimony might be introduced on part of the Cherokee Nation to refute the claims of the applicants.

In support of this motion the Representatives of the Cherokee Nation state that they are in possession of newly discovered testimony which, if introduced would conclusively show that none of the applicants in said cases returned to the Cherokee Nation within the time prescribed by the treaty of 1866 and that among other witnesses they can prove:

First by Abbie Bearden of Neosho Falls, Kansas that said James Landrum through whom all of the applicants claim came to the State of Kansas during the war of the rebellion where he continued to reside, near Neosho Falls, Kansas continuously until about the year of 1889 where he lived with his family and where a number of his children were born and that he did not come back to the Cherokee Nation until after that time.

Second The Nation expects to prove by Thomas Shelton of Neosho Falls, Kansas that he knew the applicants; that they were residents of the State of Kansas from during the Civil War for a number of years thereafter or until about the year of 1889.

Third; The Nation Expects to prove by a daughter of Abbie Bearden and by a number of other witnesses whose names are not now ~~xxxxxxxxxxxxxx~~ recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867 but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter.

Fourth; That this motion is not made for the purposes of delay, but that the testimony is newly discovered and in order that justice be done.

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In support of this motion it might be pointed out that the testimony of the applicant himself as to his return and residence subsequent to the war of the rebellion is very unsatisfactory and the testimony of the applicant in the case of Celia Kirkpatrick F. D. 673, who is a sister, shows that the principal applicant herein in unreliable, that he is unworthy of belief and it is so stated by Commissioner Breckinridge who heard the case in the field.

Attention is also invited to the fact that none of the ~~xxxxxxxxxx~~ other witnesses who testify in behalf of the applicants testify ~~xxxxx~~ with no degree of certainty as to the ~~xxxxxxxxxxxxxxxxxxxxxx~~ continuous residence of the applicants in the Cherokee Nation subsequent to the war and among the witnesses introduced in behalf of the applicants, John Landrum of Hayden I. T. and Harry Still of Hayden I. T. both known to the Commission to be disreputable witnesses and in the case of Harry Still the Commission has repeatedly found that he himself did not return to the Cherokee Nation and while the name of John Landrum appears upon the roll of 1880 proof can be obtained which will conclusively show to the Commission

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum Sr., et al., for enrollment as Cherokee Freedmen, consolidating the cases of—

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|---|---|
| Jim Landrum Sr., et al. | Cherokee Freedmen D-664, |
| Frances Banks, et al. | Cherokee Freedmen D-666, |
| Belle Landrum | Cherokee Freedmen D-700, |
| Alice Lynch et al., | Cherokee Freedmen D-701, |
| Lizzie Allen et al. | Cherokee Freedmen D-702, |
| Ed Landrum | Cherokee Freedmen D-1113. |

O R D E R.

On September 14, 1904, there was filed with this Commission, by the Cherokee Nation, a motion praying that the consolidated cases including the applications of Jim Landrum Sr., and others, and in which this Commission had, on August 29, 1904, rendered its decision enrolling said applicants as Cherokee Freedmen, be reopened, in order that said Nation might introduce newly discovered evidence tending to disprove the rights of said applicants to enrollment as Cherokee Freedmen.

After careful examination and consideration of the motion herein filed, and testimony heretofore taken in this case, said motion is granted, and it is ordered that the consolidated case including the applications of Jim Landrum Sr., and others, be, and the same is, hereby reopened for the purpose of permitting the Cherokee Nation to introduce newly discovered evidence tending to disprove said applicants' rights to enrollment as Cherokee Freedmen, and for the applicants to introduce in rebuttal such testimony as they may desire.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,

DEC 19 1904

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COMMISSION TO FIVE TRIBES

Cherokee Freedmen D-144
606, 608, 611, 612, and 1118

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JIM LANDRUM SR., ET AL., as Cherokee Freedmen.

It appears from the records of the Commission that on January 13, 1906, the applicants, their attorneys, and the attorney for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 8, 1906, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Jim Landrum Sr., appears in person and by Attorneys, Ellis & Dulger.
Cherokee Nation by its representatives, Bell, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E. B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A E. B. Moore.

Mr. Blue: The applicant objects to the introduction of the testimony of this witness because the protest and motion for re-opening does not contain his name or any statements to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:
Q What is your post office address? A Neosho Falls, Kansas.
Q What is your age? A My age is 57.
Q How long have you lived in or near Neosho Falls, Kansas? A I have lived near Neosho Falls, Kansas, every since the year, 1866.
Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yes sir
Q About what year did you get acquainted with James Landrum? A I got acquainted with him almost immediately after the close of the war.
Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.
Q Do you know whether or not he had a family at that time? A I think he hadn't at that time.
Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind a stepping with his folks there.

Q Do you remember their names? A Yes sir.
Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
Q Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Celia, I would not be positive about it.
Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him mingling around with that family and another family that lived on our place, their names were Landrums also.
Q Do you know the old man of the family that lived on that place at that time? A I don't remember any old man Landrum, I remember the old lady.
Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Bart.
Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
Q On whose farm? A My brother's.
Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
Q Did you ever see his wife? A Yes sir.
Q Do you know what her name was? A I couldn't tell you her first name.
Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite awhile down on Mr. Learned's farm.
Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
Q About how often would you see Jim Landrum after he married?
A I don't know, I would see him like I would any other neighbor in the country, I might see him once a week and I might not perhaps see him for a month , but off and on.
Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family? A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, can't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used ti know one of his boys, I think about the second child perhaps, his name was Ed, if I haven't forgot it, I aint so very good on names.
Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
Q Have you seen him since that time? A Not until yesterday.
Q Where did you see him yesterday? A On the train as I come in.
Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
A Yes sir.
Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes sir.
Q While his family was living there, they kept house where they lived? A Yes sir, after they lived there one years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years in a little shanty he called his own, I have been to his house.

Mr. Blue: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

Q For what purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening like and was talking about his family, he was playing a violin, it looked like there were 8 or 10 there.

Mr. Blue: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.

Q About how long do you think he lived in the town of Neosho Falls after he left the Leamned farm? A My judgment would be he lived there 10 or 12 years.

Q What is the population of Neosho Falls? A It is considered 500.

Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different

Q That is what I want to know? A That was in 1860, the town was just about as large as it is now, it was incorporated at that time.

BY MR. BLUE:

Q Do you know my old friend Governor Finney? A Yes sir.

Q Have you resided there as long as he has? A I don't know when Governor Finney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.

Q What place did you go to Kansas? A We first came on my brother's farm about a mile north of Neosho Falls, we rented and stepped there, my father took a claim afterwards.

Q From what place did you come to Kansas? A We came from Indiana.

Q You say you resided in Kansas since 1856? A Yes sir 1856 we came there.

Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I knew her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum she was the mother of July Landrum, who claimed to be [illegible] of cousin of Jim's.

Q How long had she lived there when you saw Jim about there?

A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.

Q What kind, Indians or freedmen? A Indians and negroes.

Q You didn't know Jim you say until possible in 1865, and you are certain you think you saw him in 1866? A Yes sir it was after the war.

Q Do you know whether or not he had just come out of the services at that time? A As I understood it he and his brother were in the service.
Q His brother-in-law Daniels? A Yes sir.
Q You understood they had been in the United States services?
A I understood so.
Q You say you were at his house once in Neosho Falls? A Yes sir.
Q Who was this man you say that he rented from? A He lived on Learned's place, that was three miles below me, I don't know whether he rented or worked by the month.
Q Do you know Colonel Leonard of Lawrence? A No sir.
Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked with anybody until I saw Mr. Keys, he came up there and asked in regard to him.
Q Judge Keys? A Yes sir.
Q When was that? A That was about three days ago I think.
Q At whose expense are you here? A Why his I presume.
Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoened.

Commission: Objection noted.
Q Have you been subpoened to come here? A Yes sir.
Q Have you been paid or expect any remuneration? A I expect my witness fees.
Q It has been a good while since 1865? A Yes sir.
Q 40 years about now? A Yes sir.
Q You say you saw Jim Landrum yesterday? A I saw him on the train.
Q Did you speak with him? A No sir I didn't see him until I got up to go out, about three seats behind me.
Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
Q That was yesterday's evening train? A Yes sir.
Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
Q You don't know as to the title to it? A No sir, I don't know as to the title.
Q You simply know that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
Q Can you tell me what year that was? That was, he, he lived there several years, he must have lived 10 years before he come up there, I don't know as I can call the year at that especial---
Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890.
Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
Q How long? A Perhaps 4 or 5 months.
Q In what County is Neosho Falls? A In Woodson County.
Q Have you ever resided in any other County than Woodson County Kansas? A Yes sir.
Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Eureka, Greenwood County.

Q Did you keep hotel in all these places? A Well in Cherryvale and Eureka, but in Galena I ran a restaurant there.
Q You said a moment ago Galena, Coffey County, you don't mean that do you? A No sir I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I know when I come to think of it.
Q You say at one time that Jim Landrum lived on your brother's place? A No sir I didn't say so.
Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father with his family lived on his place when he first came there.
Q You say when you first knew Jim he wasn't married? A No sir.
Q He didn't have any family or wife that you knew of at that time?
A No sir he was just visiting his relatives.
Q You said awhile ago he was singling or visiting around there, how long did he continue to do that way? A I don't know anything much about him at that time.
Q At that time he didn't have any permanent place of abode? A No sir.
Q Did you know a man by the name of Asa Saferite? A Yes sir.
Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at Lelley, and runed a mill in Coffey County.
Q Did he come over into Woodson? A Yes sir.
Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls.
Q Isn't it a fact that the old lady Landrum lived on his place?
A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
Q Did you know Dr. John Jones? A Yes sir I used to andknow him yet.
Q Does he live there yet? A No sir.
Q Where does he reside now? A He is in California somewhere.
Q As a matter of fact wasn't thislittle shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
Q You don't know about that? A I told you before I don't know about the title.
Q Do you know who the title was in? A I understood it was his.
Q Who? A Landrum's.
Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir I understood it was Landrum's.
Q Did you ever see the title to it? A No sir.
Q What is the personal knowledge that you are speaking from? A From general information as a man would naturally gather.
Q That is you saw it? A No sir I never examined the records.
Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

Q You had a conference with the Cherokee Attorneys have you? A Why only with Mr. Hays.
Q After you came here? A Well I met them and were introduced to them.
Q You talked this matter over with them and other witnesses in the office? A I had some little conversation.
Q And Mr. Lharnet and other witnesses talked this matter over? A I don't remember the gentlemen's names, Mr. Hastings and Mr. Davenport.
Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
Q At the time you say you first saw Jim Landrum you were only a boy? A I didn't say I was only a boy, but I wasn't very old.
Q Not over 17 or 18? A About 18.
Q Were you married at that time? A No sir.
Q Have you since married? A Yes sir.
Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it I rent it out, I am a farmer, if anything.
Q What did you say this old lady Landrum's name was? A I understood it was Charity.
Q You say she had a son named what? A I understood those were her children, one named July and one Sam.
Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember scaring him a goodmany times, and I have reason to remember him very distinctly.
Q Do you know whether that family of Landrums were any kin to Jim?
A All I know is that I understood they were related.
Q You don't know sir? A Don't know, I haven't looked up the family record.
Q How long did you remain in Woodson County after 1865? A That has been my home since I came to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893, I have been there.
Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
QQ You mean that in Woodson County? A Yes sir, Neosho Falls, I have always been in touch, I always took the paper.
Q From 1893 until a year ago, you didn't reside in Woodson? A I didn't reside there.
Q Then you left in 1893 and lived at different places? A Now in the meantime during that speal I was back a year, I came back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
Q You went away in 1893 come back and stayed a year and then was away in 1901, and come back last year? A Yes sir.

BY MR. DAVENPORT:
Q Do you mean you went away in 1893? A I went to Cherryvale in 1893.
Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I got mixed up. I went away to Cherryvale in 1897, and I was away about three years and I was back then in 1901.

Q Then when you stated 1893 a moment ago you didn't mean it? A No sir, I meant 1897, I was away about six years all told.

BY MR. BLUE:
Q What hotel did you keep in Cherryvale? A I runed what was called the Logan house, near the Memphis Depot at that time.
Q What hotel did you run in Eureka? A That was called the Fourth Avenue, right north of the public square opposite the Court House.
Q Then you went from there to what place? A From there home, back to Neosho Falls.
Q Did you only run the two hotels? A I was at Galena awhile.
Q What restaurant did you run at Galena? A I runed the Silver Moon, I wasn't there very long, about four months I believe.
Q Do you say you were at the place in Crawford County, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:
Q You say you first got acquainted with the applicant here, Jim Landrum, in the fall of 1866? A Then is when I knew of him, I stated I believe I might have known him in the fall of 1865, but to make positive I knew him in the fall of 1866 and 1867.
Q How far was he stepping from where you were staying? A As I said I hardly know where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.
Q How often did you see him from the fall of 1866 up during the winter of 1867? A I couldn't tell you how often.
Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.
Q When was he married? A I didn't state, I understood he was married about 1868.
Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.
Q You didn't know his wife prior to her marriage to him? A No sir
Q Have you known this applicant continusouly here until he removed away some 7 or 8 years ago? A Yes sir.
Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.
Q You never heard of his coming away or moving off? A Nosir never did.
Q Did you know of his ever being considered a citizen up there?
A Yes sir he voted at Neosho Falls up there.
Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.
Q Did you ever talk with him anything relative to his being absent from the State of Kansas, ever hear him say anything about that?
A Never did.

BY MR. BLUE:
Q Were you at his wedding? A No sir.
Q Then you don't know anything about when he married only by heresay? A As I said I understood he married about 1868.
Q That is heresay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

Q You don't know who he married? A Didn't know her no sir.
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers locations at different times.
Q You saw him deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the polls and vote.
Q You just said a moment ago you have seen him at divers time, now as a matter of fact, you never saw him deposit his vote?
A No sir I would not say that as I saw him hand his vote.

Mr. Blue: I object to this were hersay testimony and ask to have it stricken out.

Commission: Objection noted.

Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he come to the Territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1898.
Q Do you know that personally? A That is I tell you I was away, I went away in 1897 and he went after I did.
Q Then you were not there when he left? A No sir I was there, he wasn't there when I come back.
Q That is about the information you have about it? A That is all the information I have got, as I have.

C. W. LEARNED, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A C. W. LEarned.

Mr. Blue: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the protest and motion for re-opening.

Q What is your age? A 49.
Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas? A Ever since 1857.
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him? A 1868 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first come there, he was just married.
Q Do you remember his wife's name? A Margaret.

Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 18 years I think.
Q Did they have any children? A Not when they first came.
Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir.
Q Do you know about how many? A No not that I know of as how many.
Q Name them as near as you can in rotation of their ages, the oldest ones first? A Her name is Alice, they called her Babe.
Q Do you remember the next oldest? A There is one named Ed a boy, one named Frances, she was named after my mother.
Q You say Frances was named for your mother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
Q What was you said about seeing them in the hall? A Yes sir, I see them in the hall awhile ago.
Q They are present here today? A I saw three of them here awhile ago, Alice, Sis and Lit.
Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here (indicating the applicant, Jim Landrum).
Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir I think they were.
Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
Q Since you got acquainted with Jim Landrum and his wife in 1868 have you resided in or near Neosho Falls, Kansas? A All the time yes sir.
Q What business during that time have you been engaged in, if any?
A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
Q Did you see them after they moved to town? A Yes sir.
Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two different parts, in the north part awhile and then in the east part down at what is called Simmon Grove.

BY MR. BLUE:
Q You say you live in Neosho Falls? A Yes sir.
Q And have resided there how long? A Sine 1857.
Q Were you there when President Hayes visited Neosho Falls?
A Yes sir.
Q Were you there when Governor St. John introduced him? A Yes sir.
Q Do you know my old friend, Governor Finney? A I guess so have known him ever once I have been there, I think I heard you speak at Yates Center.

Q You have testified to some matters here, were you present at the birth of any of these children? A No sir.
Q About what year was it when you first knew Jim Landrum? A About 1884.
Q You didn't know him prior to that time? A I couldn't say, no sir.
Q Was he a married man when you first became acquainted with him?
A Yes sir, he came to our house to work
Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
Q Did he live in a cabin or a little shanty on the land there?
A Yes sir.
Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A No sir, I went to school with some of them.
Q Did you have mixed schools up there in your district? A Yes sir.
Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
Q How old were you then? A About 12 years old.
Q You were a mere boy? A Yes sir.
Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
Q When did you say Jim left your father's place? A I said he was there about 18 years.
Q On your father's place? A Yes sir.
Q And then moved to town? A Yes sir.
Q Were you living in town when he moved to town? A I aint sure whether I was living in town or in the country then.
Q You say you are merchandising now? A Yes sir, I have been for about four years.
Q In Neosho Falls? A Yes sir.
Q Prior to that time you have been a farmer? A Farming and buying cattle.
Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1901.
Q Are you acquainted over at Yates Center? A Yes sir.
Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
Q Do you know Mr. Waymire over there? A Yes sir he is a druggist.
Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here? A When do you mean, this time.
Q Have you been here before? A Yes sir.
Q When were you in the Territory before? A I was down here in 1902.
Q For what purpose were you here then? A For the same purpose I am here for now.
Q To testify for the Cherokee Nation in these applications? A The same as I am now.
Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
Q How many cases have you testified to at different times on behalf of the Cherokee Nation? A This is the second.
Q What were the other case? A The same thing.

Q Do you mean by that that this is the second time you have testified in this one case? A This Landrum case, yes.
Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
Q When was your attention first called to the testimony that you would give in the Landrum application? A I don't know when it was when Mr. Keys was there but sometime in 1902.
Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
Q Where was it, at Muskogee? A Here yes sir in Muskogee.
Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
Q Have you conversed with the Cherokee Attorneys since you come here this time? A No.
Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
A I think they were talking some in here, Keys talked to me up there.
Q Keys talked to you about the matter in Kansas? A Yes sir.
Q Did you have more than one conversation with him about it? A I think we talked several times about it.
Q Did you see him more than once up there? A I saw him twice, this time and the other time.
Q Then you saw him in 1902 and recently did you? A Yes sir.
Q Each of these times you talked the matter over with Judge Keys, did you? A Yes sir.
Q What compensation do you expect to receive as a witness in this case? A I suppose that is left with them.
Q Have you been subpoenaed here as a witness? A Yes sir.
Q Do you expect any other compensation that you expect to receive for your mileage and your ttransportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:
Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:
Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neosho Falls at that time? A Yes sir out district school and city schools are all mixed.
Q You were going to the District school at that time? A Yes sir.
Q Do you recall any especial instance that you positively knew that you met Jim Landrum? A Yes sir, on account of a man named Booth Hanks, that got into trouble.
Q Who was it that he got into trouble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
Q Who didhe have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
Q Do you know whether Jim was a witness in the case? A I do not.
Q Have you examined the Court record to know whether that was in 1868? A Yes sir.
Mr. Blue: I object, the record is the best evidence.
Commission: Objection noted.
Q Did you know him before that time? A I might have known him but I recollect that on account of that trouble.

BY MR. BLUE:

Q Were you present when this conversation took place between he and Booth Hanks? A Yes sir I was present there with them.

Q You spoke of somebody getting into trouble about getting into the store, who was that? A That was Hanks.

Q How was that with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.

Q Was Hanks a white or colored man? A A white man.

Q What year did you say that was? A In 1866 I believe.

Q Do you know what month in 1866? A I think it was the last of August or the middle of September.

Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?

A It wasn't very long, I don't know exactly.

Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.

Q Did Jack Landrum also live on your father's place? A It was my father's brother's place.

Q Well it wasn't your father's place? A Not where Jack lived.

Q How close was it to your father's place? A Joined the line.

Q What was going on over there amongst the colored folks? A They were having a meeting.

Q A religious meeting? A I think so.

Q And this man Booth tried to disturb it? A Yes sir.

Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.

Q Do you know whether there was a minister there or not? A No I don't.

Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.

Q They were having preaching over there at that time? A Yes sir.

Q Was there a meeting house there? A No sir, it was out in the woods.

Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.

Q Can't call the names of any of them? A No sir.

Q You don,t pretend to say Mr. Learned that Booth Hanck was arrested for disturbing their worship? A No sir.

Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.

Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. A. Lynn.

Q What is your post office? A Neosho Falls, Kansas.

Q Your age? A 54 last September.

Mr. Blue: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness on the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said notice and protest, and the applicant has had no notice of the presentation of this witness upon this application.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The nation expects to prove by a daughter of Abbie Beardin and by a number of other witnesses whose names are not now recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867, but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, put in force by the United States Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your motion.

Mr. Blue: The Attorney for the applicant objects further for the reason that the paragraph in said protest and notice is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

Commission: Objection noted.

Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.

Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.

Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.

Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.

Q How many years was it after the war or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him -----

Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.

Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.

Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.

Q Did he continue to live on the Learned farm all this time? A No sir.

Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't say just what year he moved away from there.

Q Can you say he lived there one year or six months after you got acquainted with him? A He lived there several years.

Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.

Q Do you remember the names of any of them? A I remember the names of three.

Q What were they? A Alice, commonly called Babe, Ed and Brownie.
Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
Q When did you see him first since that? A Last night.
Q Have you seen him since last night? A Yes sir.
Q Where? A Here in the room.
Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognise since I have seen the children to know them, I was only better acquainted with Ed.
Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer, I lived on William's and he lived on Homer Learned's farm. He lived on the southwest bank of the lake and I lived on the north bank.
Q How often would you see them during the time you lived on the Learned farm? A I don,t know that is a hard question to tell how often I saw them.
Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
Q You think he moved away from Neosho Falls, Kansas, about what year or how long ago? A. About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. BLUE:
Q What is your business? A Farmer.
Q You spoke of having taught school? A Yes sir, I taught school eight months one summer
Q You came you say to Woodson County in 1864? A Yes sir.
Q Have you resided there ever since? A Yes sir my home has been in that same school district ever since.
Q That same school District, do you mean by that the School District in which you taught? A No sir.
Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
Q What remuneration do you expect for testifying here, if any?
A Nothing more than my mileage and fees.
Q Who has talked with you with reference to Jim Landrum up there?
A Mr. Learned is the first one.
Q You and Mr. Learned talked it over some did you? A Yes sir.
Q Have you talked it over with Mr. Learned since you came here?
A Yes sir as we came down.
Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
Q You know Mr. Hastings, the gentleman there behind you? A Yes sir.

Q You know Mr. Davenport? A I met him here.
Q You know Judge Kaye? A Yes sir.
Q He came up to your county? A Yes sir.
Q You know Judge Kaye and Mr. Hastings? A Yes sir.
Q Was this matter ever suggested to you, to which you could testify in this case by Judge Kaye? A He asked me about the case of George.
Q When was that, the first time? A Day before yesterday.
Q Did you ever see him before that time? A Not to my knowledge.
Q Then you talked the matter over with him up in Woodson county?
A Yes sir.
Q And you and Mr. Learned have conversed it over since that time?
A Yes sir.
Q You say you recognized Jim Landrum here this morning? A Yes sir.
Q He is the same man you think you saw up in Kansas? A Yes sir.
Q You say you didn't know much about his children, do you remember the name of his oldest? A I think it was Babe as far as I know or Alice.
Q You say you knew Ed? A Yes sir.
Q Did you know any of the rest of them? A Just as a person would know his neighbor's children, Ed, I have worked with him.
Q Was it been sometime ago since you saw any of them? A Yes sir quite awhile, I think it has been 16 or 17 years since I saw him.
Q How old were you in 1864? A I was 14 years old, I was born in 1850.
Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer andpart of the next winter.
Q Then you knew Ed while you lived on that farm, I mean Jim? A Yes sir I knew him.
Q After he moved to town you didn't know so much about him? A But I saw him frequently.
Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
Q That is what I mean? A Yes sir.

BY THE COMMISSION:
Q Can you give the Commission an idea as to how long it was after you went to Kansas untiel you got acquainted with Jim Landrum?
A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
Q When did you go on the Learned farm? A I went on the Learned place in November of 1876, I was acquainted with him long before that but I couldn't say how long.
Q Several years? A Yes sir.
Q When did you teach school in Kansas? A I began in the winter of 1872.
Q Did you know him at that time? A Yes sir, knew him before that.
Q Where were you living in 1872? A My home was on the , right there on Section 27.
Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
Q You knew him continuously then up until he left Kansas? A Yes sir.

R. B. MOORE, being recalled for further cross examination, testified as follows:

BY MR. BLUE:
Q Mr. Moore have you ever testified in any other of these applications for enrollment in the Cherokee Nation? A No sir.
Q Is this your first testimony in any of these? A It is.
Q Have you ever been in the Territory before? A Yes sir, about five years ago.
Q Were in here before Mr for the Cherokee Nation? A No sir, I was really afraid to come down her, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)?
A I think that is part of Landrum's family.
Q Which one? A I never knew their names, don't suppose I would if they had lived in Neosho Falls up to now.
Q Would you swear that they are his family? A I don't know whether it is or not.
Q You don't know anything about that, only whether it is or not?
A I aint sure about these.

BY MR. HASTINGS:
Q You are ready to recognize Jim Landrum there? A Yes sir.

BY MR BLUE:
Q Do you know this young man here (indicating)? A I don't know as I do.

C H E R O K E E N A T I O N R E S T S.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows:
Witness being sworn by Wm. O. Beall, Notary Public.

BY THE COMMISSION:
Q What is your name? A Charles Lynch.

BY MR. HASTINGS:
Q Have you ever been convicted of anything? A Yes sir.
Q What? A Railroad robery, Fort Smith, Arkansas.
Q Convicted in the United States Court there? A Yes sir.
Q When? A In 1887.
Q In 1887? A I think it was.
Q Were you convicted in Judge Parker's Court? A Yes sir.
Q Robbing a railroad? A Yes sir.
Q That is what you were convicted for? A Yes sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

Commission: Objection noted.

Mr. Rhee: The record is the best evidence of the offence with which this party was charged, if charged, and of his conviction if there was any.

Mr. Hastings: In answer to the above answer of Attorney for Applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness admits himself by his own mind that he was convicted, and it is the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if that were the rule that the record would have to be gotten in each case, then no witness would ever be disqualified from testifying, because it would be impossible for Attorneys representing law suits to go around all over the United States the record of the conviction of every person in their pocket ready to be drawn out on that party ready to take the stand.

Commission: Objection noted.

BY MR. HUR:

Q Were you pardoned? A No sir.
Q Do you know the applicant, Jim Landrum? A I do.
Q How long have you known him? A I have known him since '67.
Q Were did you first see him, do you recollect? A On Grand River.
Q In the Cherokee Nation? A Yes sir.
Q About where on Grand River, if you remember? A It was on the south side of Grand River in Saline District.
Q Was he married at that time, if you remember? A I don't really know whether he was or not.
Q Do you know his wife? A I do, yes sir.
Q Are you acquainted with his family? A Yes sir.
Q About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
Q Do you know the names of any of his children? A Yes sir I know the names.
Q You may give the names as far as you can call them? A The oldest one is Ed Landrum, Alice Landrum, Belle Landrum, and boy named Johnnie.
Q Do you recall any other? A There are quite a number of little ones, I disremember all their names.
Q Where has Jim Landrum and his family resided since you first become acquainted with him, if you know? A Part of the time when I fir st knew him on Grand River with his father, helped him make his place down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the next time I saw him his wife was with him, two or three of the children, and goes back again away from there, I don't know about 12 or 13 must have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he was back and forth he better known himself, I don't know.
Q Has he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

Q After he returned to Vinita as you stated, did he remain there continuously from that time until now? A Yes sir.
Q Now about his wife and children, were they there also during that time? A Yes sir.

BY MR. DAVENPORT:
Q How old are you Charley? A 44 3rd day of last January.
Q You saw Jim Landrum you say in the Cherokee Nation in 1867?
A Yes sir.
Q How old were you then? A I was just a boy.
Q Well how old were you? A I was about 6 or 7 years old.
Q What makes you remember that it was in 1867? A Well what makes me remember was is at that day and time there wasn't very many people around there and when one came around there and was made acquainted he coming backwards and forwards a person would not forget them.
Q Had you known Jim Landrum before the war? A No sir.
Q Then you were not very well acquainted with him? A Not until he came there that time.
Q Did he stay at your house where you were living at that time?
A About a half mile from there.
Q You have never testified in this case before have you Charley?
A No sir.
Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1867? A I didn't say cause I don't know.
Q Who were you living with at that time? A My dada and mamma.
Q What was your father's name? A Simon Lynsk.
Q And you remember at the age of about 7 years of seeing man who came to your father's house 37 years ago do you? A I suppose so if it was that number of years, haven't counted it to see how long it is.
Q Jim Landrum has been living there in Vinita for a number of years?
A Yes sir.
Q And has been having this contest as to his citizenship? A What contest.
Q Ever since he has been in Vinita his citizenship has been pending?
A I don't know.
Q You have lived there near him ever since he came there in 1897?
A I don't know.
Q He wasn't living in Vinita when the Kern-Clifton roll was being made in 1896? A I don't know.
Q You were living there were you not? A Yes sir living there longer than that.
Q Don't you know he wasn't living in Vinita in 1895 and 1896? A I don't know anything about that.
Q Don't you know when the testimony in freedmen cases was taken, Jim Landrum wasn't there? A I don't know.
Q Can you tell me within three years of what time Jim Landrum moved from Neosho Falls, Kansas, to Vinita? A I don't know.
Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1867? A Yes sir.
Q Well who was it whose family wasn't living there that you say?
A That his family were not living there.
Q Yes, a man you came to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

Q Tell me another man the had no family that lived in that community who was helping his father making a farm in 1867? A I don't know.
Q Who was Jim Landrum's father? A George Landrum.
Q Was George Landrum living on Grand River in Saline District in 1867? A Yes sir.
Q What part of the year of 1867 was George Landrum living in Saline District on Grand River? A In the fall of '67.
Q It was in the fall of 1867 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you claim? A Yes sir.
Q How long had you been living there near where you saw him?
A 12th day of March, 1866, is when my father moved there.
Q Do you remember it? A I do.
Q You had been to Kansas to had you? A No sir.
Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1867? A No sir.
Q What do you mean by nosir, whether he was or wasn't? A I am not positive of his being there but he hadn't make no farm before that.
Q Had you see him in the Cherokee Nation before the fall of 1867?
A No sir.
Q You say he went away from there and was gone how long? A I didn't say cause I don't know.
Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.
Q Didyou ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita? A No I never knowed them to move.
Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life.
Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.
Q When was that? A That was sometime after '67.
Q It was sometime between 1867 and February 2, 1905? A Yes sir.
Q Ed is not living in the Cherokee Nation now, is he Charley? A
A Not that I know of.
Q Did he ever live here? A Only as I saw him with his mother, when they comeover and stayed awhile.
Q When was the last time you ever saw him in the Cherokee Nation?
A It has been about a year I reckon.
Q How long in 1902 when he he came down here and made his application? A I saw him 9 or 10 months ago.
Q Are you any relation to Jim Landrum? A No sir.
Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.
Q You didnt come down here as a witness in this case? A Yes sir I did.
Q What did they know about what you were going to testify to?
A I never saw his Attorney.
Q Do you know anything about Jim Landrum and his family living at Neosho Falls, Kansas, for years? A I don't know anything about it, couldn't tell you.
Q When did you first see Alice up there? A Long time ago.
Q When did she first move to the Cherokee Nation to live? A I saw her when she was a minor with her father and mother.

Q Who else lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson.
Q Tell me one that is not dead, if you know, can you tell me one that is living now that lived over there then? A Yes sir.
Q Who is it? A Andy Frye.
Q Can you tell me a freedman or whitemen that lived in that country at that time, who is now living? A I tell you who lived over there, that Benge boy.
Q Did they have a name? A Gee and Cute.
Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along then times there wasn't any mail.
Q You mean there were no letters in 1867? A Not around us, no place to get any.
Q Didn't you have no place where you went to town? A Had a country store out there named it Johnson Thompson's.
Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I knew of.
Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
Q Was Johnson Thompson living on Grand River where he afterwards or sometime after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
Q Wouod you not remember as much about a store being ran in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
Q Jim Landrum came to Vinita in what year Charley? A I couldn't tell you.
Q Do you know where he came from when he moved his family to Vinita?
A No sir, I don't.
Q You hadn't seen him for years? A No sir several years.
Q And toyour knowledge he had never kept house in the Cherokee nation until he moved his family to the Cherokee nation? A Only with his father.
Q He wasn't keeping house with his father? A He stayed there off and on?. A
Q How much was he off and how much was he on? A I couldn't answer that question.
Q Did he make a crop with his father in 1867? A No sir.
Q Did your father make a crop in 1867? A Yes sir.
Q What farm did he live on at that time? A Same one he lives on today.
Q What wasit known then? A He made it.
Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY THE COMMISSION:
Q You say you were 44 years of age the second day of last January?
A Yes.
Q Then you were born in January, 1847? A That is correct.
Q At the time when that you saw this applicant you were six years of age? A About, yes sir.
Q And you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A I do.
Q Had you ever been to school before that time? A No sir.
Q Never had? A No sir.
Q He lived about a half mile, stopped there from where you lived?
A Yes sir.
Q And you a boy 6 years of age remember of seeing him? A I do.
Q How long do you think he remained in that neighborhood after you saw him in the fall of 1847? A The best of my memory he remained there the best part of the winter.
Q Then how many years elapsed before you saw him again? A Several years, I don't know.
Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
Q 7 or 8? A Something less than that.
Q 5 or 6? A I would not say positive.
Q was it as much as 3 years? A No It wasn't as much as 3 years.
Q About three years? A Something like that.
Q Then is when he came back with his wife? A Yes sir.
Q How many children did he have? A He had three if I remember.
Q How large was the eldest one? A Just small children, they wasn't very big.
Q Was the eldest one 3 or 4 years old? A May have been I don't remember.
Q They had three children? A Yes sir.
Q They were not triplets, they were not all the same age? A No, no big and little and down to that Alice one.
Q Then when do you think you saw him again? A I didn't say, I don't know.
Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
Q When did you next see him? A I saw him down there
Q Came down there some place to that neighborhood? A Yes sir.
Q He never lived down in that neighborhood? A Not only for a time.
Q He was there for a short while or one months? A Yes sir.
Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew him keeping house with his family?
A Not outside of where I stated.
Q At Vinita? A Yessir.

CLORA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. BLUM:
Q What is your name? A Clora Foreman.
Q Where do you reside? A Vinita.
Q How long have you lived at Vinita? A I have lived at Vinita about 30 years.
Q Do you know Jim Landrum the applicant in this proceeding? A
A Yes sir.
Q How long have you known him? A Known him all my life.
Q What relation are you to him? A He is my brother.

Q Where were you about 1867? A Fort Gibson.
Q How long have you resided at Fort Gibson, or how long did you reside at Fort Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know how many years I did live there.
Q When did you go to Vinita? A It has been about 20 years ago.
Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must habe been in 1867, when he came and stayed with me down to Fort Gibson.
Q Are you able to state about what time in the year 1867 you saw him at Fort Gibson? A It was in the spring, I couldn't tell just what day and what month but I think it was along about July, him and my husband was making hay together.
Q What was your husband's name? A Euster Foreman.
Q Where were they making hay together? A Near Fort Gibson out there for the Government I think as near as I can remember.
Q How long did Jim Landrum remain there about Fort Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4 months down there.
Q Do you know where he went to after that? A He left there, said he was going to Grand River.
Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
Q Do you know where his father resided at that time? A Yes sir.
Q About where was it? A It was at the Island Ford on Grand River.
Q Now after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
Q Are you able to state when you moved to Vinita? A Yes sir.
Q If you remember when you came to Vinita to live please state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down.
Q Have you been residing in Vinita ever since that? A Yes sir.
Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him every once in a while.
Q Can you give it any more definite than that once in a while?
A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
Q When he came down to Fort Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir he was married.
Q Was his wife along with him? A No sir.
Q Do you know his wife? A Yes sir I know her now.
Q Did you know her at that time? A No sir.

Q Do you know his family Mrs. Foreman? A Yes sir.
Q Do you know all their children? A I know them now, I didn't know them until I moved up to Vinita.
Q Are you able to give the names of all of them now? A There are so many I don't know whether I could or not.
Q Do you know them all when you see them? A Yes sir, I know all the oldest onde names.
Q During the time, from the date of your location at Vinita until now have you known his wife? A Yes sir.
Q How often have you seen her since you went to Vinita until now?
A Right now I see her most every day cause we live close together, but before that I wouldn't see her only every once in a while, about a year during the time she had her children schooling them in Kansas, and she would only come back along about in the fall in vacation, she would come back down on the river.
Q How long, if you can recallect has Jim Landrum lived at Vinita?
A He hasn't lived there but about 5 or 6 years since he lived at Vinita since thepayment.
Q What payment do you refer to? A The strip payment.
Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
Q Do you remember whether or not he resided at Vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm out there close to my father's place.
Q Were you ever out at your father 's place on Grand River? A Yes sir.
Q There more than once? A Yes sir.
Q About how often did you go out to your father's place? A Not very often once in a while, about a year or two apart.
Q Did your father have that place on Grand River when Jim came down to Fort Gibson to help put up hay? A Yes sir.
Q Had you been there before that time? A No sir.
Q Were you there soon after that time? A Yes sir very soon.
Q Do you know whether or not that place is still maintained there? A Yes sir.

BY MR. DAVENPORT:
Q You say that Jim's wife had the children up in Kansas at school?
A Yes sir once I have been to Vinita she has.
Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
Q I will ask you if Ed Wasn't born in Kansas? A Yes sir.
Q If Frances wasn't born in Kansas? A I just tell you like I said
Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
Q Were they living in the Cherokee Nation when Hattie was born?
A I don't know whether they were or not.
Q Was Johnnie born in Kansas? A I don't know.
Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
Q At what place did he have all those children that I named living with him on Grand River? A At Uncle Jeff Lyons' his wife's father.

Q Where was it he was living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Minnie, Belle, and Johnnie? A I don't know whether they were living there or not, they were out there, I couldn't say that they were living there.

Q You have told me that he at one time lived out there with these children, now I want to know what year that was if he lived out there with these children? A I couldn't tell you what year it was, but it was after the Wallace payment.

Q How long after the Wallace payment? A I don't know sir how long they lived out there.

Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.

Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir.

Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.

Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A Yes sir I was living there.

Q Don't you know he moved direct to Vinita from Neosho Falls?

A They were going to school up there.

Q The older children had gone to school quite a long time if they had gone to school all the time they stayed in Kansas did they not? A Yes sir I guess so.

Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.

Q Do you know anything about where they were living? A No sir.

Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.

Q Never did visit them while they were up there? A No sir.

Q They were not living in Vinita when you went to Vinita? A No sir.

Q They were not living on Grand River when you went to Vinita?

A No sir they were not there then, he was there but the family was up in Kansas.

Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.

Q Did you ever visit the family when they lived on Grand River before you moved to Vinita? A No sir.

Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.

Q That is hearsay? A Yes sir.

BY MR. BLUM:

Q Were you present at the birth of any of the older children?

A No sir.

Q Did you visit hispeople while they were in Kansas sending the children to school? A No sir I never did visit them at all, until they lived at Vinita.

Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I don't.

BY MR. DAVENPORT:

Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Luster make that hay? A No sir I never knew of him.

Q He was your brother? A Yes sir.

Q They stayed in Kansas from about 1867 up until 1887 sending their children to school, is that a fact? A I don't know sir.

Q You spoke about them going up there to send them to school?

A Yes sir.

Q And the older children went to school about 20 years, is that a fact? A I couldn't tell you how long they went to school.

Q They were up there raising them to wasn't they? A I guess they were.

Q But when they went there there was a number of the children in existence were they? There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.

Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir I guess they had children.

Q Did Sim Landrum have any children by his wife living in 1867, when you say he came down there and helped Luster put up hay?

A Yes sir.

Q What was its name? A Ed and Alice.

Q He had two children then? A Yes sir.

Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.

Q How big were they in 1867? A I don't know.

Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir Alice was I know.

Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867? A I don't know.

Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.

Q You didn't see the children? A No sir I didn't see the children at all.

Q The children were not born before the war? A No sir.

Q They were not married before the war? A No sir.

Q The war closed in 1865 didn't it or do you remember what year?

A Yes sir.

Q Were they married before the war closed, Jim and his wife? A Yes sir they were married just after the war closed.

Q That would have been in 1865, don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn,t say they were sending them to school then

Q Didn't you tell me a moment ago that they went back there to send those children to school? A I said Jim said his wife was sending the children to school in Kansas.

Q She wasn't down here? A No sir.

Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.

Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.

Q And didn't you say they went back to Kansas to send his children to school? A Yes sir.

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COMMISSION TO FIVE TRIBES.

Q And you also said that Jim said his wife was up there educating his children? A Yes sir.

BY MR. PLUM:
Q Was Jim's wife with him when he came down there to put up hay?
A No sir.
Q When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's.
Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.
Q Do you know anything about their sending these children to school in Kansas yourself? A No sir.
Q All you know is what your brother Jim said? A Yes sir.
Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.
Q Do you know where he was married? A No sir I don't know myself.
Q You were not at his wedding? A No sir.
Q You don't know anything about that except what you heard? A No sir he was married after I left up there.
Q Left up where? A Kansas, he married at the Falls after I left.
Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.
Q You don't remember about when that was? A No sir I don't know what year it was.
Q Now what do you mean when peace was declared? A When they said we could go home, the war was over.
Q Do you know when the fighting ceased in the Nation? A Yes sir.
Q Do you remember what year it was? A In 1865 I suppose.
Q 1865 when they ceased fighting down here? A Yes sir.
Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.
Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.
Q And all you have said about the children going to school up there is what you heard? A Yes sir.

BY MR. DAVENPORT:
Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir I went there in time of the war.
Q Then you came back from Neosho falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:
Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.
Q You understood from him that his wife was up in Kansas?
A yes sir
Q Did you understand from him at that time that he had some children? A yes sir I believe he said he had two.
Q Did he name them? A Yes sir.
Q What did he say their names were? A Alice and Ed.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

CASE STORIES

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 7th day of February, 1908.

Charles H. Garrison

Notary Public.

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Jim Landrum Sr., et al., as Cherokee freedmen, consolidating the applications of:

| | | | | |
|---|---|---|---|---|
| Jim Landrum Sr., et al., | Cherokee | Freedman | D | 644 |
| Frances Banks, et al., | " | " | D | 698 |
| Belle Landrum et al., | " | " | - | 700 |
| Alice Lynch, et al, | " | - | D | 701 |
| Lizzie Allen, et al., | " | - | D | 702 |
| Ed Landrum, | " | " | D | 1112 |

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes, by Jim Landrum Sr., for himself and wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Eileen Landrum; by Frances Banks for herself and minor children, Earl and McKinley Banks; thereafter, on October 20, 1901, there was filed with the Commission an affidavit showing the birth, on September 23, 1901, of Hortense Banks, daughter of the applicant, Frances Banks; by Belle Landrum for herself and minor child, Velma Landrum; by Alice Lynch for herself and minor child, Laura Lynch; by Lizzie Allen for herself and minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. Copies of the testimony taken at different times and places in the matter of the applications for the enrollment as Cherokee freedmen of Jane Riley, case No. D 600, and Celia Kirkpatrick, et al., case No. D 673, are filed herewith and made a part of the record herein.

THE RECORD FURTHER SHOWS: That on August 29, 1904, the Commission rendered its decision herein granting said appli-

cants, except Margaret Landrum, who was denied, the right to enrollment as Cherokee freedmen; that thereafter, on September 14, 1904, the Cherokee Nation filed with the Commission a motion praying that this case be re-opened, and it be permitted to introduce newly discovered evidence tending to show that some of the applicants herein are entitled to enrollment as Cherokee freedmen; and that on December 19, 1904, said motion was granted by the Commission, and on February 2, May 4, and June 1, 1905, further testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jim Landrum Sr., and Margaret Landrum, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Jim Landrum Sr. and Margaret Landrum.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants, Jim Landrum Sr., and Margaret Landrum, husband and wife, were the slaves of Cherokee citizens at the commencement of the rebellion, removed from the Cherokee Nation during said rebellion, and later returned to said Nation and established a residence therein.

(2) That all the other applicants herein were born since the close of the rebellion, are lineal descendants (children and grandchildren), of the two applicants last above named, and, except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants.

It is contended in behalf of the applicant, Laura Lynch, that she is the daughter of one Ed Lynch, a duly recognized citizen of the Cherokee Nation. On his first appearance before the Commission, in 1901, the said Ed Lynch testified that he was the father of but one child, and that that child was dead.(See Cherokee No. 10884). In his testimony in this case, taken on May 4, 1905, at Muskogee, Indian Territory, he acknowledges Laura Lynch as his child, and asserts that he was married to the applicant, Alice Lynch, nee Landrum, mother of said Laura Lynch, on September 27, 1890. As to the date of their marriage he is corroborated by his wife, in a letter written to the Commission under date of April 30, 1905, a copy of said letter being made a part of the record herein. A birth affidavit filed with the Commission on June 12, 1901, and sworn to by the said Alice Lynch, shows the

said Laura Lynch to have been born on January 26, 1890, eight months prior to the marriage of her mother to the said M Lynch. This, in connection with the testimony of George T. Morton, taken in this case on June 1, 1900, at Muskogee, Indian Territory, to the effect that the said Alice Lynch, nee Landrum, continuously lived in Kansas till a short time prior to Laura's birth, that she was gone three or four months from her home in Kansas, and returned with Laura, a baby, in her arms, and that one Taylor Newman, a non-citizen of the Cherokee Nation, was admitted by Alice to be the father of this child, satisfactorily shows that Laura Lynch is not the child of the said M Lynch, and obtains no right to Cherokee citizenship through her father.

The testimony of the applicant, Lizzie Allen, taken on June 11, 1901, at Chelsea, Indian Territory, indicates that Will Allen, the alleged father of the applicant, Frank Allen, is a Cherokee citizen. She further testified that her child, Frank Allen, was born three years prior to her marriage to Will Allen. Cherokee Freedmen Enrollment card No. D 701, shows the said Will Allen to be a non-citizen of the Cherokee Nation, and an examination of the Cherokee Citizenship records fails to show that application has ever been made for the enrollment of the said Will Allen as a Cherokee citizen, nor can he be identified on any roll of the Cherokee Nation in the possession of this office.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee Freedmen, the primary question to be determined is:

> Did Jim Landrum Sr. and Margaret Landrum, or either of them, return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of Cherokee freedmen to said Nation?

THE EVIDENCE FURTHER SHOWS: That after the close of the rebellion neither the said Jim Landrum Sr., nor the said Margaret Landrum, removed to and established a residence in the Cherokee Nation prior to the year 1885.

Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicants herein possess no rights to enrollment as Cherokee Freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That its decision in this case rendered by the Commission to the Five Civilized Tribes,

of August 26, 1904, be set aside and held for naught, and that, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), Old Lenora Sr., Margaret Lenora, Jessie Lenora, John Lenora, Jim Lenora Jr., Barbara Lenora, and Nelson Lenora, Frances Banks, Earl Banks, Rodney Banks and Harrison Banks, Sally Lenora, Velma Lenora, Alice Lynch, Laura Lynch, Lizzie Allen, Jane Lenora, Viola Lenora, Frank Allen and Ed Lenora, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this SEP 8 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of JIM LANDRUM, JR. A., as Cherokee Freedman, consolidating the applications of:

James Landrum, Sr., et al.....Cherokee Freedman D 664,
Frances Banks, et al.....Cherokee Freedman D 699,
Belle Landrum, et al.....Cherokee Freedman D 700,
Alice Lynch, et al.....Cherokee Freedman D 701,
Lissie Allen, et al.....Cherokee Freedman D 702,
Ed Landrum.....Cherokee Freedman D 1118.

Reply of the Cherokee Nation.

There is already quite a voluminous record in this case. James Landrum first appeared before the commission to the Five Civilized Tribes at Chelsea, I. T., on June 10, 1901, and was then represented by counsel, attorneys Mellette & Smith, when he gave his own testimony and he has been represented by counsel at every appearance before the commission to the Five Civilized Tribes since that time. When he first appeared on June 10, 1901, he introduced in support of his application John Landrum and Harry Still. On September 24, 1903, he appeared before the commission to the Five Civilized Tribes and was again examined at length and introduced Arch Landrum in his own behalf. Subsequent to that date, namely, on September 14, 1904, the Cherokee Nation filed with the commission a motion praying that the case be reopened and on December 19, 1904, said motion was granted and the applicants were notified that testimony would be introduced both on behalf of the Cherokee Nation and on behalf of the applicants on February 2, 1905, before the Commission to the Five Civilized Tribes, when the applicants appeared in person and by ex-congressman R. W. Blue of the firm of Blue & Bulger, who represented the applicants, examined their witnesses and cross-examined at length the testimony introduced on behalf of the Cherokee Nation and after all the testimony was introduced in the case the same was by agreement closed. The commissioner to the Five Civilized Tribes on September 8, 1905, rendered an opinion rejecting all of the applicants herein.

The Attorneys for applicants file a motion asking for a rehearing in this case and attach numerous affidavits thereto, said motion for rehearing being upon the ground of newly discovered evidence.

It will be noted, as above observed, that the first testimony in this case was taken at Chelsea, I. T., on June 10, 1901, and that testimony was taken from time to time until 1906, or a period of four years.

We have frequently called the attention of the department to the fact that the commission to the Five Civilized Tribes publicly advertised that the commission would sit at various places throughout the Cherokee Nation at stated times for the purpose of taking testimony in these cases and this particular case shows that the applicants availed themselves of this opportunity: that on June 10, 1901, testimony was taken at Chelsea in this case, on September 24, 1903, testimony was taken at Vinita in this case, and that on different dates in 1903, testimony was taken at Muskogee in this case. It will thus be observed that ample opportunity and convenience were afforded both the applicants and the Cherokee Nation for the purpose of introducing the testimony and and against applicants in these citizenship cases. Each one of the original jackets here will find notices to applicants of the times and places where testimony could be taken in these cases and the Commission to the Five Civilized Tribes took the caution to register a large number of these notices so that the applicants could not plead that they were not received. After the adverse decision of the Commissioner to the Five Civilized Tribes on September 8, 1905, in these cases, attorneys for applicants began to file affidavits alleging newly discovered testimony. We submit that the first question to be decided by the Department is if as the record shows in this case the Commission to the Five Civilized Tribes went from point to point throughout the Cherokee Nation and afforded amply opportunity to these applicants at their respective homes or near them to introduce testimony, and we desire right now to call attention to the fact that the postoffice address of James Landrum was Vinita, and the Commission sat a number of times at Vinita, Indian Territory, and if ample opportunity was offered this applicant to introduce his testimony, and if this case, as the record shows was reopened and remanded and all parties notified that additional

testimony was going to be introduced on a day fixed by the commission, which was done in this case, and if as the record shows both parties were represented, the applicants in person and by counsel, and testimony was taken both for and against the applicants, the witnesses examined and cross-examined at length, and by agreement the case was closed and no motion filed to reopen until after an adverse decision was rendered, namely, on September 8, 1908, we submit that this case presents a lack of diligence that should be seriously considered and decided by the Department so that some rule may be laid down as to the reopening of citizenship cases. The applicant cannot plead ignorance; he was represented at every hearing by able counsel; at the first hearing by Mellette & Smith, as able lawyers as practice before the bar in Indian Territory; at the next hearing by ex-Congressman R. W. Blue of the firm of Blue & Bulger, also known throughout the Indian Territory as able lawyers. In Cherokee Allotment Contest case No. 712, decided by the Commissioner to the Five Civilized Tribes on June 6, 1906, the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:
(a) It must be such as would probably change the result if a new trial is granted.
(b) It must be discovered since the trial.
(c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
(d) It must be material to the issues.
(e) It must not be merely cumulative to the former evidence.
(f) It must not be merely impeaching or contradicting the former evidence."

In support of the above decision there was cited the case of Moore versus Larney, Creek No. 49, wherein it was held:

"In motions for a rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear." Citing 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 31; 19 L. D. 543.

In this case there is absolutely no showing of any diligence whatever.

The leading case upon this question, passing upon the requisites of a motion for a new trial, by the Supreme Court of Arkansas, is that of Burris versus Wise, 2 Ark. 33, wherein the Court held:

"The only remaining point to be determined is did the circuit court err in refusing a new trial on the ground of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon reason and authority and we will now fully state it. In order to entitle

a party to a new trial on the ground of newly discovered evidence since the former trial the affidavit in the case must prove:

1. The names of the witnesses whose testimony has been discovered and the facts expected to be established by them.

2. That the facts and circumstances as proved must show that the applicant has used due diligence in preparing his case for trial.

3. That the facts and circumstances newly discovered have come to his knowledge since the determination of the trial, and they must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict, and,

4. That the evidence discovered is not cumulative of that previously relied on and that it will tend to prove material facts which were not put directly in issue on the former trial."

In this case a motion to reopen on behalf of the Cherokee Nation was sustained and the case set down for a new trial and parties given notice and after notice, testimony was taken and a decision rendered on September 8, 1908, after the taking of the testimony on February 2, 1908. Again, the case was closed by consent, both the Cherokee Nation and the applicants were represented by counsel and the witnesses examined and cross-examined. As to the question of diligence, quoting from the above decision, the court said:

"The appellant's affidavit does not show that he used due diligence to procure their testimony or attendance; secondly, he is not entitled to the benefit of the evidence which he might have discovered before the trial, but which has come to his knowledge since, merely because he made an effort or exertion to procure it before that time."

Now the applicant gives his postoffice as Vinita and the affidavits of all of the witnesses show that they reside there at Vinita, or a few miles south of Vinita on Grand River. One witness is Simon Lynch; he signs by ex mark and has testified in a great many cases before and admits that he was convicted of larceny in the Cherokee courts. The next witness is Joe Davis, a barber, who gives his age as 41, and was therefore only 11 years of age in 1866. He claims to have lived on Spring Creek, some fifteen miles from Grand River, and it is proposed now to introduce this boy of 11 years of age as against the old residents who lived in that vicinity many of whom are still living. But let me ask the Department here and now what excuse does this applicant give for not introducing Joe Davis heretofore in the case, particularly in view of the fact that the Commission to the Five Civilized Tribes sat three or four times in the town of Vinita. In view of this can the applicant plead that he has used any diligence? Another witness signs her name as Eliza Fulsom by ex mark;

she is now 63 years of age, and was therefore only five in 1866, but in view of the fact that she cannot now sign her name, she was certainly a very precocious youth. She lives at Vinita, and what excuse is given why she was not previously introduced as a witness in this case. Another witness is Ellis Warren who gives his age as 54, but he had only lived in the Cherokee Nation 34 years and he had only known Jim Landrum since 1873, and he signs by an mark. Another witness is George Whitmire; he is 50 years of age, and he knew Jim Landrum about 18 years. Thomas M. Moore gives his age as 58. He was therefore 18 in 1866 and attempts to make an extended statement with reference to the whereabouts of Jim Landrum, Sr., in 1866, but no excuse whatever is offered why he was not introduced, and the same must be said of Arthur Bean, who once lived in Vinita, and his postoffice is now Chaffee; he signs by an mark. George O. Davis makes an affidavit and he gives his postoffice as Vinita, so does Leander Bean; likewise, Elima Tucker. So that it will be seen all of these witnesses live in or near Vinita, at least Vinita is their nearest railroad point, it is their trading point, it is the one point more convenient to them than any other, and as above observed the Commission to the Five Civilized Tribes sat at Vinita a number of time to hear testimony in freedmen cases and did hear testimony in this case there, and yet these applicants, nor their attorneys after consultation with them never availed themselves of the opportunity to introduce any of these witnesses living in the town or near there in this case.

In 2 Ark., 346, Olmstead versus Hill, the Court held:

"The doctrine in regard to granting new trials on the ground of newly discovered testimony is fully explained and established in the case of Robbins versus Fuller, 2 Ark. 133. Indeed the authorites are so numerous and full upon the point and the principles upon which they rest are so obvious and conclusive that it seems almost impossible to overlook the essential requisites that the law requires to entitle a party to a new trial. He must have been guilty of no neglect or laches in preparing his case for trial. It must have been out of his power to procure the newly discovered evidence upon the former trial by due diligence and exertion to obtain it; and he must show to the Court that the newly discovered testimony is material and important by the affidavit of the witnesses or by some other legal means; so that the Court may judge of its materiality and sufficiency; and it must not be cumulative in its character and consequences. It is the duty of the parties to come prepared upon the principal points and new trials would be endless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial."

We submit to the Department that this is an exceptionally strong opinion, and applying it to the case before us can it be said that the applicants are not guilty of any neglect or laches in preparing their case for trial in view of the fact that the case was once reopened and after notice by both parties testimony was taken and by consent the case was closed and a decision rendered. Again, can it be said by the applicants that it was out of their power to procure the newly discovered evidence upon either of the former trials in view of the fact that all of the witnesses they now propose to introduce, whose evidence is newly discovered, live at Vinita or in the vicinity thereof, when the commission to the Five Civilized Tribes sat a number of times at Vinita and heard testimony in freedman cases. Again, can the applicants show that the alleged newly discovered evidence is not cumulative of that previously introduced. Evidence has been introduced as to the ownership of the principal applicant, his return to the Cherokee Nation and his residence therein, and these are the three principal points in issue in this case. As stated in the opinion "it is the duty of the parties to come prepared fix upon the principal points and new trials would be endless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial." In other words, if every time the applicants found a witness who would make an affidavit that he saw him 40 years ago in the Cherokee Nation, he would make a motion for a new trial and it would be granted by the Department, certainly "new trials would be endless."

In Courland versus Mason, 5 Ark. 256, the Court after suggesting that due diligence was not shown, held:

"The newly discovered evidence being shown to be cumulative does not authorize a new trial, and so all the authorities laid down the doctrine andthe point has been repeatedly so adjudged by this Court in a number of cases."

Testimony has been introduced in this case upon the question of ownership, return and residence since the Civil war, and therefore the alleged newly discovered evidence is only cumulative of that heretofore introduced.

In support of our contention as to the requisites which should be contained in a motion for a new trial we desire to call the attention of

the Department to the following decisions:

9 Ark. 499, 19 Ark. 368, 11 Ark. 673; 13 Ark. 360, wherein the Court held:

"Without going into the details of the evidence claimed to be newly discovered or its relevancy we may say in general terms that such applications are to be received with caution and this in proportion to the magnitude of the stake involved."

If such motions are to be received with caution, then we submit that an extra ordinary amount of caution should be observed if the case has once been reopened and has been twice set down for trial and closed.

In 17 Ark. 403, the Court held:

"Newly discovered evidence in order to afford the proper grounds for a new trial must possess the following qualifications:
1. It must have been newly discovered since the trial.
2. It must be such as reasonable diligence on the part of defendant could not have secured at the former trial.
3. It must be material in its object and not merely cumulative and corroborative or collateral.
4. It must be such as ought to produce on another trial an opposite results on the merits.
5. It must go to the merits and not rest merely on a technical defense."

In addition to the above we desire to cite the following cases decided by the Supreme Court of Arkansas, which fully sustain our contentions, some of which are exceptionally strong:

25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 38 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 728, and it will be observed that it is not only necessary to state that diligence was used, but the applicant must, as decided in 28 Ark. 121, show what he has done in the way of attempting to procure newly discovered evidence so that the Court (the Commissioner or the Department in this case) may judge of the question of diligence. In other words, it is not sufficient for the applicant to say in his motion that he has used due diligence, but he must show what he has done and let the Department pass upon the question of diligence.

But we submit that there is absolutely no merit whatever in this case. Before going into the last testimony taken in this case we desire to call the attention of the Department to the opinion of Commissioner Breckinridge of the principal applicant, James Landrum, when he testified before him at Chelsea, I. T., on June 11, 1901, in the case of Celia Kirkpatrick,

she being a sister of the said James Landrum, in which case Commissioner Breckinridge said:

"The testimony of the applicant and of the witness, James Landrum, down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee freedman D 664."

This showed what weight commissioner Breckinridge thought should be given to this principal applicant's testimony as early as 1901.

But lets examine this applicant's testimony taken before a representative of the Commission on September 24, 1903, at Vinita, I. T. He was being inquired of about his wife, Margaret Landrum, and was asked the following questions and gave the following answers thereto, namely:

"Q. Has your wife ever been out of the Cherokee Nation since you came back after the war? A She was out of the Cherokee Nation when I married her."
"Q. Since you married her and came back? A No sir."
"Q. Has she lived continuously in the Cherokee Nation since she came back after the war? A Yes sir."

Particular attention is invited to this in order to show the unreliability of this witness.

After the motion had been made to reopen the case and after the same had been returned and the records recite that on January 13, 1905, the applicants, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the commission at its offices in Muskogee, Indian Territory, on February 2, 1905, and introduce testimony touching the points mentioned in said letter, and it shows upon that date that applicant appeared by Jim Landrum, Sr., and by attorneys Blue & Bulger, and the Cherokee Nation was represented by Bell, Hastings & Davenport and upon this date the Cherokee Nation introduced the following witnesses: E. B. Moore, C. W. Learned and J. A. Lynn. E. B. Moore gave his postoffice as Neosho Falls, Kansas, and his age as 57 years. He had lived at Neosho Falls since 1858; he knew Jim Landrum, and he thinks that he knew him in 1865, but certainly he was positive that he knew him from the fall of 1866. He knew him previous to his marriage, and he knew his relatives and he knew about the time that he married, and he knew where he lived and he swears positively that he continued to live in that vicinity for a great number of years, and he

moved to the town of Neosho Falls and lived there some ten or twelve years, and he identifies the family in such a way that there could be no doubt whatever. G. W. Learned takes the stand and he gave his age as 49, and his postoffice address as Neosho Falls. He knew him since 1868, and his impression was that he was not married then, that he knew his wife's name, and he knows the different children's names and gives them, gives where they were born and he, like Mr. Moore, knew him there in the country and by the way he lived upon Learned's father's farm, and as above observed he knew them until some six or seven years ago; Learned knew them so intimately that he gives the nicknames of the children, and he knows the order of their births. J. A. Lynn corroborates the two other witnesses, and while he does not remember the exact year he first learned to know them, yet he knew them there for a great number of years and knew them intimately. There can be no question about this man and the other two being disinterested, nor can there be the slightest question that they know them in and about Neosho Falls, Kansas. In view of this testimony are we not justified in saying there is no merit in this motion to reopen? Can it be said that men of as high reputation as the three above mentioned who knew Jim Landrum and his wife and family from the war up until about 1896 or 1897 are to be disregarded when they have no interest whatever in the determination of this case, who are not citizens of the Cherokee Nation, but men of high reputation.

But lets turn to their own testimony. Charles Lynch was introduced as one of their witnesses and although disqualified, yet he did not see Jim Landrum until 1867. He was asked:

"Q. Had you seen the Cherokee Nation before the fall of 1867? A No sir?
"Q. You say you went away from there and was gone how long? A I didn't say because I don't know."
"Q. Did you ever know of Jim Landrum and his wife and children living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say."
"Q. Did you ever know of them moving from Kansas to the Cherokee Nation and living before 1897, the time they moved to Vinita? A No, I never knowed them to move."

This Charley Lynch is a son of Simon Lynch. The next witness was Chlora Foreman that they introduced; her postoffice is Vinita, and she is a sister of the applicant, and when asked thequestion:

"Q. When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he came and stayed with me down at Fort Gibson."

And in answer to the next question she said it was in the Spring. And further on in her testimony she was asked; when she saw him again after he had left down there at Fort Gibson, namely in 1867, when did she see him again, and she says that she never saw him again until she moved to Vinita about twenty years ago.

Upon cross-examination she was asked:

"Q. I will ask you if Alice was not born in Kansas? A Yes, sir, I guess she was, I couldn't swear it because I don't know."
"Q. I will ask you if Ed wasn't born in Kansas? A Yes sir.
"Q. If Frances wasn't born in Kansas? A I just tell you like I said."

Further on in her testimony she was asked:

"Q. Were you not living in Vinita in 1897, when Jim Landrum moved his family from Neosho valle, Kansas? A Yes, sir, I was living there."

Further on in her testimony to see if she knew when 1867 really was she was asked:

"Q. Did Jim Landrum have any children by his wife living in 1867 when you say he come down there and helped Luster put up hay? A Yes sir."
"Q. Which of the children were it they went back to Kansas to educate? A Ed and Alice."

Now, as a matter offact the record shows in F. D. 801 and F. D. 1112 that Alice gave her age as 34 in 1901 and Ed as 33, and they were therefore born in 1867 or 1868 and 1868 or 1869, and could not have been born in the spring of 1867 as testified to by Chlora Foreman and therefore we must conclude that Chlora did not see Jim as early as 1867, but it must have been as late as 1869, when he might have paid a visit to his sister at Fort Gibson. She cannot read and write and therefore knows nothing about dates. Again later on on redirect examination Mr. Blue asked Chlora

"Q. Was Jim's wife with him when he come down there to put up hay? A No sir."
"Q. When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's
"Q. How many children did she have then? A She had three with her and that is the first time I ever saw them."

Now it will be remembered that this Chlora is a sister of James Landrum; that she first lived at Fort Gibson about 50 miles directly south of Vinita and that she afterwards moved up to Vinita, and she tells of her first meeting Jim's wife, who was then the mother of three children when "she brought the children down and went out to her father's." Now

her father lived out on Grand River and when she testifies to her bringing the children down she means of course down from Kansas. Again in answer to an inquiry about the matter by the commission Chlora testified as follows:

"Q. Was your brother married when he was down with you at Fort Gibson helping put up hay? A Yes sir.
"Q. You understand from him that his wife was up in Kansas? A Yes sir."
"Q. Did you understand from him at that time that he had some children? A Yes sir, I believe he said he had two."
"Q. Did he name them? A Yes sir."
"Q. What did he say their names were? A Alice and Ed."

Now this is the first time this sister sees him and Ed in F. D. 1112 which is consolidated with this case, gave his age in 1901 as 33, which would have made him been born in 1868, thefore, Chlora never saw her brother until after that time, and as a matter of fact she never sees him again until a few years ago after she, the witness, had moved to Vinita and this applicant had moved down from Kansas.

Mr. Moore, Mr. Learned and Mr. Lynn all identify him and his family positively; they name the children; they identify the principal applicant and the larger children who were present before the Commission as being there in the hall at the time they gave even the nicknames of the children and they swear positively that they knew them from 1866 until some six or seven years prior to the time they testified in 1905, or until 1897.

Certainly if there is ever a case that there was no merit whatever in it is this one, and we do not believe that the Department will permit this case to be reopened upon the testimony of these irresponsible witnesses in view of the fact that ample opportunity has been afforded these parties; in view of the fact that they have been represented by counsel, in view of the fact that there is no merit in this case, and particularly in view of the expressed opinion of Commissioner Breckinridge of the unreliability of the principal applicant in this case which certainly accounts for the vast number of certainly very unreliable affidavits filed in this case. That these children were all born in Kansas there can be no question; that they lived on Learned's farm for a vast number of years

there cannot be the slightest doubt; that they first permanently located in the Cherokee Nation in about the year 1867 is conclusively shown by the witnesses in this case.

I submit for the reasons hereinabove assigned that the motion to reopen should be denied.

Respectfully submitted,

(Signed) W. W. Hastings

Attorney for the Cherokee Nation.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

## MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. [illegible] Landrum, Sr.,
Vinita, I. T.
[illegible]-F-D-664.
Notice.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
Board.

Muskogee, Indian Territory, September 10, 1903.

Jim Landrum, Sr.,
Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required upon the following points:

Date when Margaret Landrum returned to the Cherokee Nation; residence of yourself and wife, Margaret Landrum, in the Cherokee Nation; evidence as to when you returned to the Cherokee Nation with after the War of the Rebellion. Upon this last point the Commission desires that you obtain, if possible, the evidence of Arch Landrum, of Eufaula, Indian Territory.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
Docket.

Muskogee, Indian Territory, September 10, 1903.

Hiram Chilcoat,
Attorney for Jim Landrum, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jim Landrum, Sr., et al., as Cherokee Freedmen, you are hereby advised that further testimony is required upon the following points:

Date when Margaret Landrum returned to the Cherokee Nation; residence of Jim and Margaret Landrum in the Cherokee Nation; evidence tending to show with whom they returned to the Cherokee Nation after the War of the Rebellion. Upon this last point the Commission desires the evidence of Arch Landrum, of Ketchum, Indian Territory, if it can be obtained.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Chairman Dawes'
D 164, et al.

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the Commission's decision dated August 29, 1904, granting the applications for the enrollment of Ed, Emma, Viola, Belle, Velma, Jim, Sr., Jessie, John, Jim., Jr., Barbara and Nelson Landrum, Lizzie and Frank Allen, Alice and Laura Lynch, Frances, Earl, McKinley and Hortense Banks, and rejecting the application for the enrollment of Margaret Landrum, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-53

COPY

Cherokee Freedmen
Docket

Muskogee, Indian Territory, December 30, 1904

Wade H. Mansfield,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 9, asking to be advised as to the status of the applications for the enrollment of Belle and Jessie Landrum and George Daniels, as Cherokee freedmen.

In reply you are advised that on August 28, 1904, the Commission rendered a decision granting the application for the enrollment of Belle and Jessie Landrum; subsequent thereto a motion to re-open this case was filed by the attorneys for the Cherokee Nation, which motion is still pending. You are further advised that the Commission's decision granting the application for the enrollment of one George Daniels, age about forty-two, postoffice Spavinaw, Indian Territory, was affirmed by the Secretary of the Interior on October 22, 1904. The name of this applicant has not yet been placed upon a final schedule of Cherokee freedmen and approved by the Secretary of the Interior.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, January 13, 1905.

Jim Landrum, Sr.,
Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, your wife, Margaret, and your minor children as Cherokee Freedmen, you are advised that this case will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1905, at which time you will be permitted to appear and introduce any testimony that you may desire in support of your said application.

Respectfully,

Tams Bixby.
Chairman.

Register.

COPY.

Cherokee Freedman
D-664 et al.

Muskogee, Indian Territory, January 13, 1906.

Kline & Ruiger,

Attorneys for Jim Landrum Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of the following applicants, you are advised that these cases will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 8, 1906, at which time the applicants will be permitted to appear and introduce any testimony that they may desire in support of their said applications.

| | |
|---|---|
| Cherokee Freedman D-664 | Jim Landrum Sr., et al. |
| Cherokee Freedman D-698 | Frances Banks, et al. |
| Cherokee Freedman D-700 | Belle Landrum, et al. |
| Cherokee Freedman D-702 | Lizzie Allen, et al. |

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Register.

COPY

Cherokee Freedmen

D-664, et al.

Muskogee, Indian Territory, February 10, 1906.

Blue & Bulger,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 2, 1905, in the matter of the application for the enrollment of Jim Landrum Sr. et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-55.

Cherokee Freedmen

D-664, et al.

Muskogee, Indian Territory, February 10, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 2, 1908, in the matter of the application for the enrollment of Jim Landrum Sr. et al., as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-56.

Cherokee Freedmen
D-641.

Muskogee, Indian Territory, February 17, 1906.

James Lantrum,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 4, 1906, relative to the enrollment of yourself et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Cherokee
J D-694.

COPY

Muskogee, Indian Territory, September 9, 1905.

Jim Landrum, Sr.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 6, 1905, rejecting, among others, the application for the enrollment of yourself, your wife, Margaret Landrum, and children, Jessie, John, Jim, Jr., Barbara, and Nelson Landrum, as Cherokee freedmen. Your attorneys, Hlus & Bulger, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall,
Acting Commissioner.

Incl. GL-814.
GHL

Cherokee
F Book et al.

COPY

Muskogee, Indian Territory, September 11, 1906.

Hiss & Tolger,

Attorneys for Fin Landrum, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Fin Landrum, Sr., et al., as Cherokee freedmen, consolidating the applications of Cherokee F D-444, 692, 700, 701, 702, and 1113. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) W. O. Beall

Acting Commissioner.

Encl. 91-320.
GEL.

4

Cherokee
F D-644 et al.

Muskogee, Indian Territory, September 6, 1906.

Reid, Hastings, & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 6, 1906, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, consolidating the applications of Cherokee F D-644, 696, 700, 701, 702, and 1112.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall
Acting Commissioner.

Incl. GL-221.
GEL

Washington, Indian Territory, September 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Jim Landrum, Sr., and his wife, Margaret Landrum, and children, Jessie, John, Jim, Jr., Barbara, Nelson Landrum; Frances, Burt, McKinley and Hortense Banks; Nellie and Velma Landrum; Alice and Laura Lynch; Lizzie Allen, Emma and Viola Landrum, and Frank Allen; and Ed Landrum, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting said applications.

Respectfully,

(SIGNED) W. O. Beall

Acting Commissioner.

Incl. 21-222.
GEL.

Through the
Commissioner of Indian Affairs.

Letter in reply to the following:

Land,
Woodward
Lonas.

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 8, 1906, the Commissioner decided adversely to all the applicants.

The record shows that on August 29, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion; that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Sr., and Margaret Landrum, and except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Tayler Newman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M. - NL.

COPY

L.T.R. 19927-1904. Y.F. SEC.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S. November 21, 1904.

Mr. J. J. Dulger,

Vinita, Indian Territory.

Sir:

The affidavits received with your letter of December 14, 1903, which you request be considered with the Cherokee freedman case of Jim Landrum, Sr., et al., are returned herewith, as the case has not reached the Department, and as they are not filed as the basis of a motion for rehearing, but it is evidently intended that they should be received as evidence to be considered in connection with the testimony taken before the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes.

The law does not contemplate proving citizenship in such cases before the Department in this manner, for it authorizes the Commission to the Five Civilized Tribes "to require all citizens of such tribes, and persons who should be so enrolled, to appear before said Commission for enrollment, at such times and places as may be fixed by said Commission." See section 21 of the act of June 28, 1898 (30 Stat., 495).

There is no allegation that said Landrum did not have a fair opportunity to be heard before the Commission, nor is the claim

4

of newly discovered evidence made.

The Commissioner to the Five Civilized Tribes having primary jurisdiction in Cherokee freedman cases, it would seem proper that the judgement of the Department should not be influenced to direct enrollment in this case by statements never before him or the Commission to the Five Civilized Tribes. The Department would not probably object to a rehearing in this case upon any reasonable showing, when, in such case, the Commissioner could determine whether to excuse Landrum and his proposed witnesses, on the ground of poverty, from appearing before him.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 enclosure.

D. C. [illegible]. W. P.
L.T.D.[illegible]. S.P.
1[illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 28, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

For your information there is enclosed a copy of Departmental letter of November 21, 1906, to Mr. J. J. Bulger, relative to Cherokee freedman case of Jim Landrum, et al. Since this letter was written such case has been received.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

1 enclosure.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, August 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith a reply by the Cherokee Nation to a motion for a rehearing in the Cherokee freedman consolidated case of Jim Landrum, et al, No. D 666, et al.

The records of this office fail to show that a motion for a rehearing in this case has been filed with it. The decision of the Commissioner to the Five Civilized Tribes dated September 8, 1905, rejecting the applications for the enrollment of the applicants embraced in said case, together with the record of proceedings had therein, was forwarded to the Department September 11, 1905, where the same is now pending.

The Department's attention is called to its letter of November 21, 1905 (I.T.D. 10937-1905), addressed to J. F. Bulger, Vinita, Indian Territory, a copy of which was furnished this office November 24, 1905.

Respectfully,

1 Encl.H.A.29-3.

Through the Commissioner of Indian Affairs.

Acting Commissioner.

E.B.Jr.

SECRETARY OF THE INTERIOR, LRS

WASHINGTON.

I.T.D. 17646-1906.
18720-1906.
18446- "
22200- "
20946- "

February 6, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On November 20, 1905 (Land 80873), the Indian Office transmitted your report dated September 11, 1905, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Mortenso Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1905, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 24, 1908, the attorneys for the applicants filed a protest against your decision, requesting that it be rescinded and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landon, who was enrolled in Company H, First Kansas Colored Infantry, also known as Company K, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 2d, 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landon was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Falls, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louisa Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are noncitizens.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First-Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 12 to Ind. Of.

Cherokee 9.
9 Int et al.

Muskogee, Indian Territory, March 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the applications for the enrollment of Jim Lambrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.N-261
JMK

Commissioner.

Cherokee N.
S 250 et al.

Muskogee, Indian Territory, March 8, 1907.

Starr & Patton,

Attorneys for Jim Landrum, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-252
JMM

Commissioner.

Cherokee F.
D 644

Muskogee, Indian Territory, March 2, 1907.

Jim Landrum, Sr.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting, among others, your application for the enrollment of yourself, wife and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED

JMH

Commissioner.

6 · 38664

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
Acting Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 10th, 1901, in the matter of the application of Jim Landrum, Jr., for enrollment as a Freedman of the Cherokee Nation.

Wallace & Lanier

Attorneys for Applicants.

Cherokee F. #D664.

E

F D .....

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on .....

by delivering a true copy thereof on the

..... day of ..... , A D 190

Given under my hand this .....

day of ..... A D 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

SEP 23 1901 day of ..... 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A. D. 190...

Subscribed and sworn to before me this .....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

ACTING CHAIRMAN.

# NOTICE!

*IN THE MATTER OF* the application of Jim Landrum
for enrollment as Cherokee Freedmen
Case No. F. D. 664

To Jim Landrum, Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Muskogee, I. T., July 15, 1904.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for the enrollment of Jim Landrum, Freedman D 664.

Blue & Potter
Attorneys for applicants.

Muskogee Indian Territory, July 190[illegible]

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Guardianship of [illegible] et al

Blue and Burger
Attorney for Applicant.

Cher Fr R 970
Trans. from Cher Fr D 676

Cher Fr R 970

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 11th, 1906.

In the mat ter of the application of Frances Johnson for the enrollment of herself and four children as Cherokee Freedmen; said Johnson being sworn and examined by Commissioner T. M. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith for Applicant.
Mr. J. T. Davenport, for Cherokee Nation.

Q What is your name? A Frances Johnson.
Q How old are you ? A [illegible] years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Who do you desire to enroll besides yourself? A Four children.
Q Give me the names of the children please? A Nettie Johnson.
Q How old is Nettie? A 16.
Q The next child? A Katie.
Q How old is Katie? A 14.
Q The next one? A Clarence.
Q How old is Clarence? A 12.
Q The next one? A Wilda.
Q How old is Wilda? A Two years.
Q Are you married? A Yes, sir.
Q What is your husband's name? A A. D. Johnson.
Q Is he a citizen? A No, sir.
Q Are these children all living at this time? A Yes, sir.
Q What is your mother's name? A Bettie Hicks.
Q She is living? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Kern-Clifton roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:
Page 163, #4039, Francis Johnson (or Holt), Cooweescoowee.
Page 163, #4036, Nettie Johnson, Cooweescoowee District.
Page 163, #4037, Kate Johnson, Cooweescoowee District.
Page 163, #4038, Clarence Johnson, Cooweescoowee District.

Q You been married but once? A Just once.
Q A. D. Johnson the father of all these children? A Yes, sir.

BY MR. SMITH:

Q Is the Bettie Hicks who has just applied here for enrollment this morning your mother? A Yes, sir.
Q Is Esther Holt your grandmother? A Yes, sir.
Q Joshua and Tecumseh Holt your uncles?
A Yes, sir.
Q Where do you live? A Winita.
Q How long have you lived there? A About 12 years.
Q Where were you born? A Fort Scott, Kansas.

BY MR. DAVENPORT:

Q You say you have been living at Vinita about 12 years?
A Yes, sir.
Q Where did you l ve before you came to Vinita?
A I stayed with Aunt Dock Webber on Bx Cedar Creek.

Proposed Testimony, Cd al.vs.U.S.

Q Where were you living before you lived at Cedar Creek?
A [illegible] Fort Scott, Kansas.
Q Don't remember Cedar Creek, Cherokee Nation? A Yes, sir.
Q Mr. Wilkerson: You married J. D. Johnson in Fort Scott, didn't you?
A Yes, sir.
Q How long did you stay in Fort Scott after you married?
A About two months.
Q How long before he came? A He didn't come, he stayed there in Fort.
Q He continued to make his home there? A He didn't stay there all the time.
Q And all your children were born in Fort Scott were they?
A No, sir.
Q Where were they born? A Cedar Creek.
Q He was in Fort Scott altogether? A No, sir, he was from place to place working.
Q Did you keep house in Fort Scott? A No, sir.
Q He did not never kept house after you married until you came to Vinita? A No, sir.
Q You had two children at the time you came to Vinita? A Yes, sir.
Q He came direct from Fort Scott, Kansas, to Vinita?
A Yes, sir.
Q And he had never had any residence in the Cherokee Nation up to the time he came to Vinita? A I don't know, sir.
Q Up until you and he got married he didn't have any residence in the Cherokee Nation had he? A No, sir; he had been living out where he just had been to work there in Fort Scott.
Q And any other place? A He would come to Cedar Creek and back-wards.
Q You didn't keep house on Cedar Creek? A No, sir, I lived with Aunt Beck.

MY COM'R NEED LNS:

Q Where were you born? A Fort Scott, Kansas.
Q You say you lived and married in Fort Scott, Kansas?
A Yes, sir.
Q When did you leave Fort Scott and move to the Cherokee Nation?
A I could not tell you.
Q Well, about how long ago? A I have been in the Cherokee Nation off and on all my life.
Q You were born in the State of Kansas and you lived there until you were married; when did you move from there to the Cherokee Nation? A I don't know sir when I moved from there; I didn't live there all the time; I was living on Cedar Creek, I was at Fort Scott going to school when I married this man.
Q You were born there in Kansas? A I was born there in '65, yes, sir.
Q And when did you come to the Cherokee Nation? A When I first recollect I was in the Cherokee Nation.
Q Whom were you living with? A I was living with aun't Beck Webber.
Q That s your mother's sister? A No, sir, it was an old lady aun that was keeping me at that time.
Q Your mother had never been married? A No, sir.
Q Well, you lived on Cedar Creek in your childhood until you got big enough to go to school? A Yes, sir.
Q How old were you when you went to Kansas to go to school?
A I don't know, I guess I was about 14, I disremember; I don't know exactly how old I was.
Q Well, about that, you are an intelligent woman and educated?
A I am not educated.
Q You went to school? A Yes, sir, But I am not educated.
Q Then you were married in Kansas; and from the time you were going to school you lived in Kansas until you married? A Yes, sir.

Q Where was your oldest child born? A In the Cherokee Nation.
Q Were your children all born in the Cherokee Nation?
A Yes, sir.
Q Have you been living continuously in the Cherokee Nation since your oldest child, Nettie, was born? A Off and on.
Q What do you mean off and on? A You see he was working and I would go and see him.
Q Did he ever live in the Cherokee Nation? A He would stay here three or four months at a time.
Q Did he ever keep house in the Cherokee Nation? A No, sir.
Q Did you raise all these children? A Yes, sir.
Q Do you live in the Cherokee Nation now? A Yes, sir.
Q Where is your husband living? A Here, xxxx. Vinita.
Q Well, he moved to the Cherokee Nation? A Yes, sir.
Q When did he move here? A He got here about ten or eleven years ago.
Q And have you and he been keeping house in the Cherokee Nation ever since that time? A Yes, sir.
Q Are you living here now? A Yes, sir.
Q Do you live at Vinita? A Yes, sir.
Q Why didn't you apply to the Commission when were at Vinita?
A My mother wasn't able and I didn't think I need apply until she went in.

COM'R MEKELES: Frances Johnson applies for the enrollment of herself and four children. Her name cannot be found upon the authenticated roll of 1880 or census roll of 1896; she is identified upon the Kern-Clifton roll as Francis Johnson of Holt. Her three older children, Nettie, Katie, and Clarence, are duly identified upon the Kern-Clifton roll. Her youngest child, Wilda, is not identified upon any roll having been born since the rolls were compiled, and it will be necessary for her to file satisfactory proof of birth of said Wilda. She avers that she is the xxx child of Nettie Hicks, who is listed for enrollment on Doubtful card #655. Supplemental testimony this day has been taken in regard to the enrollment of Nettie Hicks, wife of Dennis Hicks, and said Supplemental testimony will be made a part of the record in the case at bar and a copy xf thereof filed herewith.

Frances Johnson and her four children as enumerated herein, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further decision of the Commission. She will be duly notified by mail of the decision of the Commission when arrived at.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J G Rosson

Subscribed and sworn to before me this 24th day of June, 1901.

Commissioner.

[illegible] OF APPLICATION

# CHEROKEE FREEDMEN.

Date. JUN 11 1901

Post Office [illegible]

District [illegible]

1 Name Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

1 Name of wife Lillie Johnson Age 30

Owner's name Citizenship

Year 1896 Page 163 No. 4139 District Coo

Parents:

Father Citizenship

Mother Lettie Keechi - living Citizenship

Names of Children

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 2. | Nettie Johnson | Year 1896 | Page 163 | No. 4136 | Dist. Coo | | 16 |
| 3. | Kate " | Year " | Page 163 | No. 4137 | Dist. " | | 14 |
| 4. | Clarence " | Year " | Page 163 | No. 4138 | Dist. " | | 12 |
| 5. | Wilda " | Year — | Page — | No. — | Dist. — | | 2 |
| 6. | | Year | Page | No. | Dist. | | |
| 7. | | Year | Page | No. | Dist. | | |
| 8. | | Year | Page | No. | Dist. | | |
| 9. | | Year | Page | No. | Dist. | | |
| 10. | | Year | Page | No. | Dist. | | |
| 11. | | Year | Page | No. | Dist. | | |
| 12. | | Year | Page | No. | Dist. | | |

Application made by No. 1 Stenographer John O. Rosson

1 On K.C. roll as Francis Johnson (or Holt)
3 " " " " " Kate " "
5 - affidavit of birth to be supplied.

Mellette and Smith Attorneys.

~~X Ref~~ X Ref D 35-5-

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation of Wilda Johnson born on the 21 day of January 1899

Name of Father Addison D. Johnson a citizen of the U. S. Nation

Name of Mother Frances Johnson a citizen of the Cherokee Nation

Postoffice Vinita I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Frances Johnson, on oath state that I am 36 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Addison D Johnson who is a citizen, by ——— of the U. S. Nation, that a female (Male or Female) child was born to me on 21 day of January, 1899 that said child has been named Wilda Johnson, and is now living.

Frances Johnson.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown Seal
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Bettie Hicks, a midwife, on oath state that I attended on Mrs. Frances Johnson, wife of Addison D Johnson on the 21 day of January, 1899; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Wilda Johnson

Bettie X Hicks
her
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
John H Rice
Frances Johnson

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown Seal
Notary Public.

L. 0074. 2670

IN RE

Application for Enrollment of

INFANT CHILD

Inilda Johnson

as Citizen of

Cherokee Nation

Approved JUN 11 1901 190

T. B. Needles.

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 11 1901

File case 1 in Freedmen Department

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., May 18, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post-office? A Vinita.
Q In what district do you live? A Cooweescoowee; well I live in Saline, or Delaware it is; my home is in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir, the wife of them children thought is dead.
Q You apply foryourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q That was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Katie Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a license issued by the Clerk of Cooweescoowee district, December 12, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united in marriage on the 12th day of December, 1892, by the Rev. A.W. Lewis, and it is endorsed as having been recorded on the 12th day of December, 1892. This is filed here

By J. Davenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 329, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Bettie Holt.
Q Is she living now? A Yes, sir.
Q Was this first wife ever married except to you? A No, sir.

[illegible]

Q How old is your youngest child? A He is in 1900 and [illegible]
Q Have you a [illegible] A [illegible]
[illegible]
Q Are these the only children born to you and your husband? A Yes.
Q How many children have you had altogether? A I don't know.
Q Are all her children living? A [illegible]
Q Give me the name of your husband? A [illegible]
Q Give me the name of the oldest child? A [illegible]
Q Give me the name of the next child? A [illegible]
Q Give me the name of the next child? A [illegible]
Q Give me the name of the next

Q [illegible] by [illegible]? A [illegible] Ridge.
Q [illegible]
Q [illegible] A Yes, sir.
Q [illegible] Fields, Kansas, and Indian Nation, Fields Ridge, and these things he is [illegible]
Q Do you know Cecil Ridge [illegible]? A Yes, sir.
Q How long have you known Ridge [illegible] A I moved here first in time of the war.
Q Where does Cecil Ridge live now? A He lives on the river.
Q What river? A Grand River.
Q How far from Vinita? A About 8, about 10 miles.
Q Has she been here during the sitting of the Commission at this place? A Yes, sir.
Q Do you know anything she made an application for the enrollment of herself or not? A Yes, sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together, I guess 20 years in all; we lived here, been 20 years since we married; it is about 20 or 27 years.
Q Was living in the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Here in Vinita; I don't know just exactly how many years.
Q You yourself doesn't know where your wife was during the war or is dead? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where they were and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year long then.
Q When was it they said that, when did they leave and tell you they were coming home? A The year after they brought corn in down here to sell to the Indians, my father-in-law was hauling corn down here in wagons for them, and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Springfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to tell what year that was in? A That was the year after the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes, sir; I didn't see them for a good while after that.
Q And when did you next see them? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand River.
Q Have you lived in the Cherokee Nation ever since that time? A No, sir, I haven't, I went backwards and forwards to Joplin, I took my family up there once, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there any one here who knows the your wife's mother was? A Yes, sir, everybody present.
Q Well we don't want all of those who knows who your wife's mother was? A I can use Fred Griffin and Mrs. Ann Bean.
Mr. J. S. Davenport, Cherokee Attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four years myself; the most of the time she was away, all the time I was there, I never was away from here but a few months at a time.
Q What was your place of business, of work? A Yes, sir, yes, sir.

there is where I married.
Q [illegible] and your wife came up to Joplin at that time?
A They lived up there a little while. They were living up there.
Q How far is Joplin from Springfield? A It is 75 or 80 miles.
Q How long had you been there when you met them at Joplin? A No, they were there when I went there. We had a great been there and I went down there.
Q In what year would you succeed? I think not in 1896.
Mr. Brookinridge: You say they were living in or near the moved over there? A Yes, sir, they lived there long though.
Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.
Q How do you know that? A They said they didn't, I don't know anything about it.
Q Mr. Smith has stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?
A Yes, sir.
Mr. Brookinridge: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.
Q They left Springfield and said they were going to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Amy Bean.
Q How old are you? A 45.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Allmy life.
Mr. Smith: Do you know Dennis Hicks, the applicant in this case?
A Yes, sir.
Q How long have you known him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.
Q Did you know his first wife? A Yes, sir.
Q What was her name? A Mary Hicks.
Q What was her name before she married him? A Ridge.
Q Who was her mother? A Kate Ridge.
Q Where does Kate Ridge live now? A She lives on yonder side of Grand River.
Q What post office? A Spavinaw I think that is her post office name.
Q Do you know whether she is the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.
Mr. Smith: I will just ask to have the copies of the testimony in the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Fred Martin.
Q How old are you? A 43.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Dennis Hicks, the applicant in case? A I do.
Q Did you know his wife, his present wife? A Yes, sir.
Q What is her name? A Bettie Hicks; she was Bettie Felt before he married her.
Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 2 years.
Q Do you know them as husband and wife? A Yes, sir.
Q They are living together in that way, are they? A Yes, sir.

Q They are recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known [illegible] Hicks? I don't know, I have known her a long time.
Q Was she married before she married this man? A I don't know.
Q Has she any children? A The best one has of personal knowledge.
Q Do you know whether or not they have ever been married or not? A No, sir I don't know whether they have been married or not.
Q Have you ever known her to live with any other man as husband and wife? A No, sir, except Dennis.

Dennis Hicks, recalled, testified:

Mr. Baird: Dennis, your present wife claims to be entitled to be enrolled upon the Freedman roll by her own right? A Yes, sir.
Q What proof does she depend upon in her behalf? Is she going to present this evening or not? A I don't know that it is. I think they are out west somewhere.
Q She will have to get that proof and have it in addition to the proof in your case, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with the Cherokee laws to his first wife, now deceased, one Mary Ridge, in 1879, they having previously been married according to the testimony under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, nor his first wife is not upon the roll of 1880 or upon that of 1896, or upon the Dawes-Clifton roll.
Q How old was your wife, Mary Ridge, when she died? A She was about 48.

The Wallace roll examined, and Mary Hicks identified thereon, page 118, No. 2440, Cooweescoowee district.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the age of her mother, Tillie Ridge, Cherokee Freedman Doubtful card D 268 and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.

His present wife, for whom he named application, Nettie Hicks, is identified on the Dawes-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has as far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own right as far as it may conclude a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may affect his rights.

As for the five children named in the testimony, they are all listed as identified on the Dawes-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen, a doubtful card. The final decision of the commission will be made known to the applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

---

Bruce C. Jones, being duly sworn, says that as stenographer to the

Dennis Stone :

Commission to the Five Civilized Tribes he carefully recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic record thereof.

[illegible] Reporter.

Sworn to and subscribed before me this 2nd day of [illegible], 1906.

[illegible]
Commissioner.

SUPPLEMENTAL app to Dettie Rigsby, p 328.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 11, 1906.

In the matter of the enrollment of Dettie Rigsby as a Cherokee freedman being heard and considered by Commissioner Tarpley, she testified as follows:

Appearances:
Mr. Smith, of Mellott & Smith for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Dettie Rigsby.
Q How old are you? A Going on 50.
Q What is your post-office address? A Vinita.
Q What district do you live in? A I live in two districts, Coowescoowee and Delaware. I live in one and keep store in the other. I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mamma was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any other children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, Josh Holt, Tocumseh Holt, Rose Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Where were you at the time the Civil War commenced? A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you go out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Smith.
Q When did you return to the Cherokee Nation first after the war? A June, 1865.
Q Where did you go to? A Ft. Smith.
Q How long did you stay about Ft. Smith at that time? A I were there some before, over a year.
Q About how old were you at that time, in June, 1865? A I don't know just how old.
Q Well were you grown? A Yes, sir, grown woman.
Q You were not married? A No sir.

Q When did you come out first? A I don't recall.
Q You are married now? A Yes sir.
Q How long have you been married? A Forty years, September.
Q By whom were you married, those years ago, what congregation did you belong, what was your denomination? A Good method around.
Q What kind of work did you do? A Any kind of work, farming is how I made most of the time, farming work.
Q Is there a Church near? A Yes sir.
Q How long have you lived at Vinita? A I have lived in Vinita off and on since 1899, up until 1906, I left there, and then I went away and came back 18 years ago.
Q After returning back to Ft. Gibson, in 1906 I believe you stated that you purchased there about a farm? A Yes sir.
Q Where did you go there? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here. (Indicating)
Q What section is it in? A Cherokee Nation.
Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.
BY MR. DAUGHERTY:
Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft Gibson was it before you went? A Not very long.
Q Your or such a matter? A No sir.
Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott; when you went the next time?
Q Couple of months, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee Nation? A On Big Creek there.
Q Was the town what is known as the Fall leaf place was? A Close to there some where.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I came down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A To Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayed in Muskogee five years where did you go? A To Vinita.

Nettie Hicks 2

Q That was the time you moved into Vinita in 1889 a local
Q How long did you stay in Vinita at that time? A I stayed until
189[illegible], and then I went to Muskogee Nation, I was there and came back
to 189[illegible] and married Mr Hicks.
Q That was not the time that time? A On a visit.
Q You never been anywhere since 1887? A Just when I would go
with my mother.
Q How long have you stayed out in Texas since that time? A I don't
know.
Q You said you got married years, you moved at different places?
A Yes sir, just little while at a time.
Q What places have you worked since that time, in the states?
A I haven't worked anywhere.
Q You didn't move anywhere since 1887? A Yes sir, I was out, I
left there about '92.
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1892?
A In '[illegible] I think.
Q And have been living there since that time? A Yes sir, right
there, since.
Q You don't know anything about when your mother came back to the
country do you, as to what year it was? A No sir, I don't.
Q You know your sister Sallie came back before you did? A Yes sir.
Q You don't know when your brothers came? A There was without name
three little brothers.

MR CUNNINGHAM:

Q When was you married? A It will be three years in September.
Q That your first time? A Yes sir.
Q When you were going out, in your testimony to Mr. Davenport,
going out in the states working, were you a single woman? A Yes
sir.
Q You never have a home at that time in the Territory? A Living
with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It
ought to be on the 1880 roll, but it can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Nater Holt.
1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant not found thereon.
Q Yousay you have grown children? A Yes sir.
Q I thought you said you were never married to anybodybut Mr.
Hicks, four or five years ago? A It will be three years in Sep-
tember. I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 20, 1901.

(signed)T.B.Needles,
Commissioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O.ROSSON.

Supl N D #255 Cont'd 1.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of NETTIE HICKS.
Former portion reported by Stenographer M.D.Green

APPEARANCES:

Messrs. Smith and McIlettie, for applicant;
Mr. Davenport, for Cherokee Nation.

[illegible] SIMPSON, being sworn by Commissioner T. D. Seadlee testified as follows: [illegible] by Mr. Smith, of Counsel for applicant.

Q Giving your name? A Polly Simpson.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A All my life.
Q Do you know Bettie Hicks this applicant? A Yes, sir
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Old Lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's
A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war? A No, sir, I dont
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, and for the Commissary clerk
Q What were the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Tylar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else. I am half Cherokee and Freed ah too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it wasjust after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how lon I cooked about two years right along there.
Q Right soon after peace was declared? A Yes, sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistress come up to your Mistress' house? A Yes sir.
Q What was she doing up there? A She was waiting on her.
Q How many girls would she usually carry with her? A She sometimes would have one.
Q How many waiters did she have up there? A One.
Q Didn't you testify in the Sallie Miller case yesterday?
A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Miller was with Mrs. Holt when she visited your mistress at Fort Gibson as the waiting girl for Mrs. Holt? A Yes, sir, that is right.

BY MR. SMITH:

Q Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? S metimes bring Sallie andsometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.

Capt W Phil Cary's c

Q Well then you speak of two. Just another question Sallie or there another called Girl and that one only? Do you know about that? A No, sir. They come and returned young, some on the place that called Sallie.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs. Rivers? A Several times. So you went down there several times.

Q Who carried you with you? A Pa, sir, he always.

Q Then you have been down there and seen her? A Yes, sir, I have been to Mrs. Holt's that is right.

Q And well's lived in Hill District there they? A The Holts I am talking about lived on the Hills.

Q You don't know whether Thomas ever lived up in Hill District?

A No, sir.

HARRY WILL, being sworn and examined testified as follows

BY MR. EDGE:

Q State your name? A Harry Will.

Q Where do you live? A Sayers.

Q How old art you? A 14.

Q Do you know this Applicant, Bettie Hicks? A Yes, sir.

Q Did you know her before the war? A Yes, sir.

Q Do you know whom she belonged to? A Belonged to Bill Holt.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About '70 I believe.

Q Where was that? A Vinita.

Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes, sir.

Q Have you seen her often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman at this place?

Q His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.

Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.

Q Near what point that you can name? A It was not far from the old ranch there.

Q I don't know where the Whitmire ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.

Q On what side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side; I think it was on the other side.

Q You were there at his place didn't you? A No, sir, he was at our place.

Q Did he have all his darkies down there? A He didn't have all of them, I saw Bettie.

Q Where was Bettie when you saw her? A I don't know.

Q How old was she when the war broke out? A She was grown woman.

Q Grown woman? A Looked like to me.

Q And you don't know where it was you saw her? A I don't know, I know distinctly I saw her there I don't know where.

Q How many sisters had Bettie? A She had Sallie.

Q Which is the elder Sallie or Bettie? A I don't know, I think Sallie is the oldest.

Q And you don't know which side of the river Bill Holt's place was on? A No, sir.

Q Which side of the river was Whitmire's ranch? A On the North side.

Q And Vian Creek? A On this side I reckon.

Q And on which side of the river was Bill Whitmire's ranch on?

A On the East side, towards Fort Smith.

CONT'D EXAMINATION BY MR. EDGE:

Q Do you know the attorney for the applicant? A Yes, sir.

Q Did you see Mr. Davenport talking to the witness in the case of the ap-

Engl. Enrlmt Cont'd 5 (6)

application of Joshua Scott for enrollment as a freedman
Freedman to make a part of the record in the case at bar,
said Joshua Scott having been issued for enrollment on proof
but said date, and a copy of said testimony will be filed
with the testimony taken in the case of the applicant.

---oooOOOooo---

J.C.Pegram, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.C. Pegram.

Subscribed and sworn to before me this 24th day of June, 1901.

(signed) P. Keadler,
Commissioner.

---oooOOOooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green.

Subscribed and sworn to before me this September 7th, 1901.

Commissioner.

To be filled with name of

[illegible]
[illegible]
[illegible], I.T., [illegible], 1902.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Kendrick, he testified as follows:

APPEARANCES:
Mr. Smith, of Wallace & Smith, for applicant;
Mr. D. W. Mastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 58.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Will the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q Can she appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give it hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 52.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 15.
Q Next one? A Jessie Holt, 10; Willard Holt, 8; Clifford Holt, 6; Magnolia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q What was your wife's father's name? A Andersen Johnson.
Q Was he a Cherokee freedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 147, #3689, Jack Holt, Cooweescoowee district;
page 147, #3690, Laura Holt, Cooweescoowee district;
page 147, #3691, Jane Holt, Cooweescoowee district;
page 147, #3692, Ella Holt, Cooweescoowee district;
page 147, #3693, Jessie Holt, Cooweescoowee district;
page 147, #3694, Willard Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Dallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #4678, Joan Holt, "Shawnee, Fort Scott, Kansas.
page 117, #4677, Jake Holt, "Fort Scott, Kansas."
page 117, #4676, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT being sworn and examined by Comr Mozilla, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A Along about 60.
Q What is your post office? A Vinita.
Q What district do you live in? A Coooooooooooo.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jemas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1898.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1899.
Q That you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, William Holt, Alfred and Annie? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you came back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q The same persons you have mentioned in your own testimony?
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.
EXAMINED BY COM'R MCCOLLEN:
Q Do you live in Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.
BY MR. MASTERS:
Q Your present wife is the only wife you have ever had? A Yes, sir.
Q You testified that you married her in 1889? A 1889.
Q Your eldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anything about their being your step-children?
A I think I did. I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who married you? A Peter Meigs.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.
Q By what name? A In 1896?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. H. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1889 I believe it was '88 or 9.

Q I say, [illegible] had you been up there when you came down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I came back before the Dawes taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some kind of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hasn't you been up there ever since 1883? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years?
A Yes sir, I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1886? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Veir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1886? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether wouldn't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she has not.
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Rosselia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down therw when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I think Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and came back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was there.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir.
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1886 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '66? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '66.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in these days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Comm'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Benson.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that?
A No,
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house?
A I was at the house.
Q Did she take household furniture with her? A DIdn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1898 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did your mother do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back?
A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
Q How long did you live there? A I pulled out from there in '65.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before? A No, sir, not to my knowing.
Q Where did she come from when she come to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q There did she come from? A She's had been working down about Ft. Gibson, I believe, or Tahlequah, I don't know whether she came from there or there.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since then? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Keedles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forgot whetheryou stated your wife's father and mother were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marriedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Keedles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with that man as husband and wife by whom she had the se two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, don't.
Q You lived at Webbers Falls when the war came up? A Yes, sir.
Q Did you went out south? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers came there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers Falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Nancy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined.

By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes, sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brought me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you came did you? A Yes, sir, I come in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Doughetty.
Q There was other people living around in the neighborhood were t here? A Yes, sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you have some Payment? A No, sir.
Q How long was it which you came down to visit your brother again? Did you ever see him any more? A Of my I went up there!
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Three or six months, maybe seven or eight, I don't know.
Q You never had any home down here A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q There were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was coming sometimes.
Q Who he working up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman? A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you county up to the Wallace court? A No, sir.
Q Did you work any down here before the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 14 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie name? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you gave born slaves? A Yes, sir
Q Who did they belong to? A William Holts.
Q Some person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in Kansas, and about a tornado? A He went up there to buy provisions everything in this nation was scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimsie.
Q And you? A Yes, sir, brought four.
BY MR. HASTINGS: Bring your daughter Emilie? A No, sir, she was dead a long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in the Osage and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Mother Holt your mother? A Yes, sir.
Q Who is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Willie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A 66.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q Ever get back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down to big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Either mother up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: How long has Tecumseh been living in Vinita?
A I don't know how long he has been living in Vinita.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 15th, 1901.
(Signed) T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROBSON.

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JOSHUA HOLT, et al., Application heretofore. Former portion reported by Stenographer M. E. Angen.

APPEARANCES:

Messrs. William A Smith, for Applicants;
Mr. V. M. Hastings, for Cherokee Nation.

MOSES WILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Wiley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idea, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I know him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just don't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Spring Creek.
Q At what place? A Goosneck Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I was acquainted with her.
Q Do you know where she was in 1866? A No, sir, I don't.
BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Delaware District.
Q Where did Joshua Holt and Rosanther live? A In Illinois district.
Q How far was that from you? A When I got acquainted them I was working at John Rentie's in Cherokee District.
Q How far were you working from him? A Just across the river where Joh Rentie in the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew these people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Hoskin: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their name? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q About the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q Where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years an way.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1888 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the applicant, recalled. By Com'r Hoskin:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee nation during the war? A He was a soldier.
Q In what army? A In the 44th or 45th United States Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

[illegible] Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Mauceelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination, neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Mauceelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Mauceelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Mauceelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present.
W. H. Mastenge, present for the Cherokee Nation.

DAVID [illegible], being sworn by Commissioner T. B. Needles, testified as follows, for the applicants by Mr. Smith:

Q What is your name? A David [illegible].
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know his wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Lewis Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Punkhousend family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knowed any differance.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the nation did he come to? A Big creek.
Q Are you a recognized citizen of the Cherokee National, A Yes, sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a white married woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him when he came with you folks?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that a few days ahead of you men folks came in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you be positive as to whether that oldest child was born in the Cherokee nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A ? miles, between 6 and ? miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:

Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How long did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A She is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 18 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they r recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the eldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

Mr Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes thereon.

(Signed) Thos. Von Weise.

Subscribed and sworn to before me this 28th day of July, 1901.

(Signed) T. M. Beedles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen, being sworn and examined by Commissioner Beedles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Beedles, testified as follows: By Mr. Brown:

Q What is your name? A. Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A. Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that that you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he came down there? A No, sir.
Q The circumstance of his getting killed isn't so great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't try.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to test fy you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.
Q Do you have any idea how old this woman is, (indicating applicant A No, sir, not exactly.
By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.
By Mr. Hastings, You don't know where he got the woman? A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Coowoescoowee district.

o o o o o o o o

SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.
MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

o o o o o o o

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the ffregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

[illegible]

[illegible]

Subscribed and sworn to before me this September 14th, 1908.

Commissioner.

To be filed in CWD

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Nov. 15th, 1902.

In the Matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 54. I was 16 when the stars fell
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I dont know good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grom from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

Katie Ridge 2.

down to [illegible] then out then back to Fayetteville Herman Ridge and Policeman's wife was [illegible] and sisters.
Q Didn't you live and closer to Lostcreek than to Fayetteville?
A My Mistress lived there long after they killed John Ridge, she went from Honey Creek to West Fayetteville then.
Q How long did you live on that farm? A I dont know.
Q When did Policeman live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I don't remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well tell us where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband name A Henry? A He is dead, he died in small pox time.

By the Commissioner.
Q Where did your master die when he was killed? A Somewhere in the Territory- he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A [illegible]
Q What is your post office address? A Spavinaw.
Q Are you a recognized freedman of the Cherokee Nation? A Yessir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I dont know how long it had been I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By L.B.Bell:

Katie Ridge 3.

Q last time of the year was it you say he applicant on Honey Creek in '64? A. The summer of '64, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q You saw this woman there? A As the old place, Mr. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from South West City? A Tai very far, I dont know just exactly know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop, and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Batice Prairie.
Q When did you come here first after the war? A The first time I came was in '65, and then never here in '66.
Q What time in 66 did you come here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1343, Katie Ridge, Coowesecoowee District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

* * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed) T. B. Needles,
Commissioner.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 4th, 1901.

Commissioner.

Supplemental 4-68

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Patsie Ridge for enrollment as a Cherokee Freedman,

Supplemental testimony.

Applicant present.

Respondent United present, by its attorneys.

ANDREW LYNCH, being duly sworn and examined by Commissioner Needham, testified as follows:

Q What name is Andrew Lynch? A Yes, sir.

Q How old are you? A About 44.

Q What is your post-office address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Patsie Ridge? A I didnot know her when I first saw her. When I first saw they they were up there on Honey Creek and someone said that was the Ridges.

Q What year was that? A That was along in the fall of '66, I think it was.

Q You saw her in the fall of 1866 there? A Yes, sir.

Q Have you known her since that time? A Yes, sir after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Patsie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what [illegible] was telling me.

Q Simon was? A Simon Lynn.

Q Did you know them before the war? A No, sir, he knew them.

By I.J. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is South West City from where they were living? A I dont know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was long in the fall like.

Q Did you travel, early or late? A It was early, it wasn't so cold, I don know to about but, we were going up there.

Q You don't recall of that how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.

Q You went on from there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri or Arkansas, I don't know which, it was across the line.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

(signed) C.R. Breckinridge,
Commissioner.

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N.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

N.D. Green

Subscribed and sworn to before me this September 16, 1901.

Commissioner.

[illegible] married men at the tim[illegible]

[illegible] Nation, the Cherokee Nation. [illegible]

[illegible] anything to live on.

[illegible] A. Went to Joplin, Missouri.

[illegible] Cherokee? A About three or four [illegible]

[illegible] did you go to? A Came on Grand river.

[illegible] Nation? A In the Cherokee Nation.

[illegible] living in the Cherokee Nation ever [illegible] A Yes,

[illegible] had married? A Yes, sir.

[illegible] your wife back here with you when you or [illegible] A

Yes. [illegible]

To be filed in C[illegible]

[illegible] OF THE [illegible],
CONVENED IN THE NEW CAPITOL BUILDING,
VINITA, I. T., JUNE [illegible], 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Kellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll [illegible] yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
Q Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did Mary marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was [illegible] out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in 66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive? A No sir, he is not alive.

Cornelius Ridge, et al, -- 2.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 40 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:
Page 166, #6860, Cornelius Ridge, Tahlequah District.
Page 167, #6880, Frank Ridge, Tahlequah District.
Page 167, #6881, Jesse Ridge, Tahlequah District.
Page 167 #6882, Mystic Ridge, Tahlequah District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 183, #5183, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Muskogee? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother in at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thought it probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Why did you say your father died? A Because I do.
Q Now, where was Norman living? A Well, sir, I don't know where he was living; he was an independent man.
Q He had no home in the Polston did he? A The last account I knew of Norman was that when he joined the army.
Q Well, where was he living just before he joined the army?
A I don't know sir, I could not tell you!
Q Well now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
AQ Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q Whatis your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sir.
Q And you lived there you say about two or three months? A Yes sir.
Q Now. what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken she kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place: yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir. don't remember any one.
Q Where did you get anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I know of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly. I expect though it was in my mind the month of October, September or October, somewhere along about there.
Q You got up about that time there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No, sir, there wasn't no town there; we came right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I knew of; none that I saw except when with except Polston.
Q None except Polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the house place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife was your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COM'R HEFDLES:

Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living withher continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you came? A Yes, sir.

BY MR. HASTINGS:

Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:

Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1865; how long did you stay here in 1866? A We came in the fall and left after Christmas.

Cornelius Ridge et al Ex. [illegible]

Q Were you a citizen [illegible] was in the time you came here into [illegible]?
Q Why did you leave the nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Warrensburg, Missouri.
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Come on Grand river.
Q In the Cherokee National? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. MARTINEZ:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

CASE NUMBER 1--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1890, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a white woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card #355, and it is ordered that the testimony taken in the application of Dennis Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #296, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon evidence card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J.O.Rosson, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this [illegible] 17th, 1901.

(signed) T.B.Needles,
Commissioner.

---oo0Ooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this [illegible] 1901.

Commissioner.

the testimony taken in [illegible] of the applicant.

J. D. Rosson, being first [illegible] states that as stenographer in the Commission to [illegible] recorded the testimony and [illegible] Trices, he correctly reported the testimony and [illegible] this case, and that the foregoing is a true and [illegible] of his stenographic notes thereof.

(Signed) J. D. Rosson.

Subscribed and sworn to before me this 24th day of June, 1901.

(Signed.) T. B. Needles.

Commissioner.

To be filed with case of Frances Johnson, C. F. 9 [illegible].

Stipulation as to Bettie Hicks, R 100.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., June 11, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee freedman, being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Davenport for the Cherokee Nation.

Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 38.
Q What is your post office address? A Vinita.
Q What district do you live in? A I live in two districts, Coo-weseecowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mamma was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes, sir.
Q She can apply for herself? A Have you any minor children you desire to apply for? A No, sir.
Q Have you any witness here? A Yes, sir.
Mr. Smith: Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes, sir.
Q Is she the same Easter Holt who applied here yesterday?
A Yes, sir.
Q Have you any brothers and sisters? A Yes, sir, Sallie Miller, John Holt, Tecumseh Holt, Rose Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes, sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you at the time the Civil War commenced?
A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes, sir.
Q Did you go out of the Cherokee Nation? A Yes, sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war?
A June, '66.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time?
A I were there something over a year.
Q About how old were you at that time, in June, '66 A I don't know just how old.
Q Well were you grown? A Yes, sir, young woman.
Q You were not married? A No, sir.
Q When did you marry first? A I didn't marry.
Q You are married now? A Yes, sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotels most of the time, Chamber work.
Q You were a Chamber maid? A Yes, sir.
Q [illegible]

and on about '78, up until '82. I left there and then I went away and came back 18 years ago.

Q After you came back to Ft. Gibson, in '80 I believe you stated that you remained there about a year? A Yes, sir.

Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to ~~Big~~ Big Creek where my mother was.

Q Where is Big Creek? A Up here (indicating.)

Q What Nation is it in? A Cherokee Nation.

Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.

Q Left them there? A Ft. Scott.

Q What was your uncle's name? A Andy Dougherty.

Q You don't know actually when they reached the Cherokee Nation yourself? A No, sir, but time I left them they were fixing to go and I went to Ft. Gibson.

Q You didn't come back with them? A No, sir, they went with my uncle and I went to Ft. Gibson, because a sister was down there.

Q What was your sister,s name? A Sallie Miller, is her name now.

By Mr. Davenport: You went with your sister? A No, sir, my sister went first to Ft. Gibson.

Q How long after your sister went to Ft. Gibson was it before you went? A Not very long.

Q Year or such a matter? A No, sir.

Q You went to Ft. Gibson and stayed a while, and then you went back to Ft. Scott? A Yes, sir.

Q How long did you stay at Ft. Scott when you went the next time?

A Couple of months, probably longer.

Q When you left Ft. Scott that time where did you go?

A I went over to ~~Big~~ Big Creek.

Q To what point on Big Creek did you go? A Where my Uncle Andy lived.

Q Were was your mother at that time? A At Uncle Andy's.

Q In what country? A Cherokee Nation.

Q What part of the Cherokee Nation? A On Big Creek there.

Q Was she near what is known as the Fall leaf place was?

A Close to there somewhere.

Q When you came to the Big Creek country was there a man living there named Falllead? A I don't know, I didn't stay up there.

Q you have never heard of that name? A Yes, sir, but I didn't know anything about him.

Q when you left Big Creek where did you go? A I come down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to ~~x~~ the Old Agenty, in the Creek Nation.

Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee.

Q How long did you stay at Parsons? A Two years.

Q Parsons, Kanw sas? A Yes, sir.

Q Then where did you go? A To Muskogee.

Q How long did you stay in Muskogee that time? A About five years.

Q After you stayed in Muskogee five years where did you go?

A To Vinita.

Q That was the time you speak of being in Vinita in '79?

A Yes, sir.

Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick and came back in 1880 and worked for Henry Eiffert.

Q You have been out since that time? A On a visit.

Q You have never been anuwhe s since 1880? A Just when I would go out to work.

Q How long have you worked out in seasons since that time?

A I don't know.

Q You have been out several years, you worked at different places?

A Yes, sir, just little while at a time.

Q That placed your married about that time, in the States?
A I guess I married anywhere.
Q You haven't been anywhere since long? A Yes, sir, I was out, I left here about '96.
Q Where did you get married? A I don't know where I did it.
Q When did you come back to Muskogee after you left there in 1896?
A In '98 I think.
Q And have been living there since that time? A Yes, sir, right there, sir.
Q You don't know anything about when your mother came back to the country do you, or do what year it was? A No, sir, I don't.
Q You know your sister Mollie came back before you did?
A Yes, sir.
Q You don't know when your brothers came? A They was with my mother, three little brothers.
By Col. T. Needles: When were you married? A It will be three years in September.
Q That your first time? A Yes, sir.
Q When you were going out, in your testimony to Mr. Davenport, going out to the States working, were you a single woman?
A Yes, sir.
Q Your mother have a home at that time in the Territory?
A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation?
A It ought to be on the 1880 roll, but it can't be found.
Q On any other roll? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Esther Holt.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q You say you have grand children? A Yes, sir.
Q I thought you said you were never married to anybody but Mr. Hicks, four or five years ago? A It will be three years in September, I have one daughter.
Q Has your daughter applied to be enrolled? A No, sir, not yet.
Q She has got a child? A She has four children.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 20, 1901.
(Signed) T. B. Needles,
Commissioner.

Remainder of this case taken by Stenographer, J. O. Rosson.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of Bettie Hicks.
Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Smith & Mellette, for applicant.
Mr. Davenport for Cherokee Nation.

POLLY NIVENS, being duly sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. SMITH, of Counsel for applicant.

Q State your name? A Polly Nivens.
Q Where do you live? A Fort Gibson.

Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Bettie Hicks, this applicant? A Yes, sir.
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Old lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's?
A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war?
A No, sir, I don't.
Q When did you see this applicant, Bettie in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.,
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary Clerk.
Q What was the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q Had you been out or remain in the Nation?
A I remained in the Nation; I just went out on Briar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freedman too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it was just after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about two years right along there.
Q Right soon after peace was declared? A Yes, sir, right after peace was declared.

By Mr. Davenport: Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistess came up to your mistress' house? A Yes, sir.
Q What was she doing up there? A She was waiting on her.
Q How many girls would she usually carry with her?
A She sometimes would have one.
Q How many waiters did she have up there? A One.
Q Didn't you testify in the Sallie Miller case yesterday?
A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Miller was with Mrs. Holt when she visited your Mistress at Fort Gibson as a waiting girl for Mrs? Holt?
A Yes, sir, that is right.

By Mr. Smith: Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? A Sometimes bring Sallie and sometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.
Q Well when you spoke of Mrs. Holt having brought Sallie up there as her waiting girl was that the one trip you are talking about now?
A No, sir; they come up several times, come on the steam boat named Pilot.

By Mr. Pettigill: They came quite often to visit Mrs Nicens? A Several times, we went down there several times.
Q She carried you with her? A No, sir, not every time.
Q Then you have been down there and seen her? A Yes, sir, I have been to Mrs. Holt's that is there.
Q And Holt's lived in Flint District didn't they?
A The Holts I am talking about lived at the pecie.
Q You don't know whether they had ever lived up in Flint District?
A No, sir.

HARRY STILL, being sworn and examined by testified as follows: Mr. Smith:

Q State your name? A Harry Still.
Q Where do you live? A Hayden.
Q How old are you? A 54.
Q Do you know this applicant, Bettie Hicks? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Do you know whom she belonged to? A Belonged to Bill Holt.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q When did you first see this applicant, Bettie Hicks?in the Cherokee Nation after the war? A About '79 I believe.
Q Where was that? A Vinita.
Q Have you known her or rather have you known anything of her whereabouts since that time? A Yes, sir.
Q Have you seen her often or a few times? A Often from the time I come to Vinita.
By Mr. Davenport: Where was Bill Holt living when you knew this woman at his place? A His home was, Bill Ho,t was down here on the Arkansas, where I saw this woman.
Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian district, I reckon.
Q Near what point?that you can name? A It was not far from the old ranch there.
Q I don't know where the Whitmire Rahon was? A It wason the Arkansas river there, I know I saw Bettie distinctly.
Q On what side of the Arkansas did you see this Betti as a slave of Bill Holt? A I don't know which side; I think it was on the other side.
Q You were there at his place wasn't you? A No, sir, he was at our place.
Q Did he have all his darkies down there? A He didn't have all of them I saw Bettie.
Q Where was Bettie when you saw her? A I don't know.
Q How old was she when the war broke out? A She was brown woman.
Q Grown woman? A Looked like to me.
Q And you don't know where it was you saw her? A I don't know; I know distinctly I saw her when I went to Kansas.
Q How many sisters had Bettie? A She had Sallie.
Q Which is the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.
Q And you don't know which side of the river Bill Holt's place was on? A No, sir.
Q Which side of the river was Whitmire's ranch? A On the North side.
Q And Vian Creek? A On this side I reckon.
Q And on which side of the river was Bill Whitmire's ranch on?
A On the west side, twords Fort Smith.

Com'r Needles: In this action the attorney for the applifant pr ys that the testimony taken in the case of the application of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt havint been listed for enrollment on doubtful card 7644, and a copy of said testimony will be filed with

the testimony been taken in the case of the applicant.

J. D. Roesom, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, and correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. D. Roesom.

Subscribed and sworn to before me this 24th day of June, 1901.

(Signed.) T. B. Needles
Commissioner.

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J. D. Roesom, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in said case.

Subscribed and sworn to before me this 15th day of August, 1901.

Commissioner.

(Copies of this testimony have also been made for C.F.D-676, D646, D647, D681, D684 and D636.-Stenog.)

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I. E. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

I. E. Green

Subscribed and sworn to before me this November 12th, 1901.

File with C. P. Davis, Freedmen Issues

[illegible] Mr. S. F. [illegible], Eufaula.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1902.

In the matter of the application of Tate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF [illegible].

Appearances:
Mr. Mellott, of Pollotte & [illegible], attorneys for appl'n.
Mr. L. H. Bell, of attorneys for Cherokee Nation,
and Mr. W. W. Hastings, of attorneys for Cherokee Nation.

W. H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 40.
Q Post-office address? A Tahlequah, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war began? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q When did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-east part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war began or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fall of 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with what is known as the old Washburn place at that time? A Yes sir.
Q Was there any freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but fields and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston move off that place after you bought it from him or did he move? A He took right on the place when we left it.

in '66.
Q Where did he move from to that place? A He moved from Fayetteville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved and part of his family to Fayetteville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Fayetteville and lived there until he bought this place back.
Q How do you know anything about where Dr. Polston was in the early part of '66, or where he came from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but the house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knew of? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MYLLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one they called colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R NEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

Katie Ridge and Lucy [illegible]

A. M. WOODALL, being sworn by Commissioner Faulkner, testified as follows:

BY MR. MILLER:

Q Give your name, age and postoffice? A M. M. Woodall, 58, Big Cabin.

Q Mrs. Woodall, of Katie Ridge, Freedman claimant, claiming to be a Cherokee there before the war of a Cherokee, and claiming a right as a Cherokee citizen under the article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I met them in Fayetteville, Arkansas.

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Delegate Rhoer.

Q About when was that? A I married him in '56, spring of '56.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died before I got there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yes sir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MILLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in56 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Tahlequah, Arkansas.
Q How long did you live there? A A year and two months, that was as long as he lived.
Q Tell us as just about the beginning of the story A Well I was living there until he died. I left there in the fall of '66.
Q There was the farm located that the father of Norman Ridge owned in the Cherokee nation? A Well I guess there, it was somewhere on Honey Creek, but I don't know anything about the farm, that Norman Ridge owned?
Q So, that Norman Ridge's rather owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Mr. Fulsten lived a part of it, I don't know I don't whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri.- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; nor I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Katie place. That's as near as I can tell you; I donot know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Katie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that gentlemen your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of those that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City. Upon what is known as the "Line Road", line between the Cherokee nation and Missouri.
Q Were you living 2 miles north of South west City or what is now call d Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.F. Lawrence were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the house of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q [illegible] was the place called Sheep A Honey Creek. did it
Q How long did it remain that name of Honey Creek, or when change [illegible] to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one of the two or three years? A Well yes, three years perhaps, somewhere along in that range. I don't know just when. I don't remember the date so to speak it was changed, but after the town was started a little.
MR. MERRITT: I don't believe I want to ask him anything.

JAMES M. HELL, being sworn by Commissioner Rentfroe testified as follows:
BY MR. HELL:
Q Give me your name, age and post-office? A My name is James M. Hell, aged 49, post-office Vendemere or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception of a few intervals I have been here since '59.
Q Well you have been here 50 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A ~~He~~ ~~Sex~~ ~~as~~ His first child was not of sound mind, a girl. Rolen Ridge was the next, Herman, Rhoda, Andrew, Susan Washburn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Fayetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know? A He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q ~~Where~~ Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A It is my under-

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. [illegible]:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the eldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, , who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W.F.HASTINGS:

Q What is your name? A L.B.Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1848 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupied it? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Flora, the youngest girl of John Ridges family; they lived there until '61 probably lived there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge as far as I could remember.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came on? A He lived there and at Fayetteville from 'all he that; the war as well as I could recollect him, and then he came and joined our compound, that is the confederate army, because Betty had a brother of his and he joined the army because that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1860; his heirs own it yet.

BY MR. MILLETTE:

Q You are chief counsel for the Cherokee nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.

MR. MILLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:

BY MR. BELL:

Q Did Herman Ridge keep his slaves, keep this little up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. MILLETTE:

Q Did she return to the Cherokee Nation at any time ~~that you~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q What was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Decain.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cherokee

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

(Copies of this testimony [illegible] were made for C.F.D-[illegible], [illegible], [illegible], [illegible] and [illegible]-Okmulgee.)

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I, D. Green, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

[illegible] now.

[illegible] then

[illegible] consider-

[illegible] tion

[illegible] been since Jacumeh has been living there?

File with case of Frances Johnson, et al., v. [illegible]

Dept. C.F.-D.Jess.

DEPOSITION OF THE [illegible],
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SALLIE MILLER as a Cherokee Freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Melotte, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENSIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKensie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 59.
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q About what year did you live in Fort Scott, Kansas? A I lived from 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Sallie Holt.
Q Well, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Au nt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Moses or Joshua? A Yes, sir, Moses and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, if you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65.
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months. I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, if you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.
MR. MELOTTE: Now, Mr. McKensie you don't know that the woman who is an applicant here for enrollment is the woman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was a Sallie woman.
Q Well, you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never been for those who has made application here for enrollment have you? A No, sir.
Q Sir. When did you leave Fort Scott, Kansas? A I left there early in '60, in the spring.
Q In the spring of 60? A Yes, sir.
Q What were you doing there at Fort Scott? A I was working there at Fort Scott, for Billy Donahoe, stage coach, doing public work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I did all I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 50.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw those people up there 35 years ago A Well, I guess I could remember it, I stated before.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '60? A Yes, sir.
Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying no particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A [illegible] Tom Brown.
Q Was it Tom Brown or John Brown? A Tom Brown.
Q Where did they live? A I don't know.
Q How long there were you left? A I don't know; they lived out at the edge of town. Mr. Brown when I left there I don't not about two miles out from and a family lived there by the name of Campbell, anything right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q What makes you remember seeing those people there all the time you were there? A I was there off and on, because I was working in town. Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw them I left Fort Scott.
Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember them of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q What is your age, Mr. Margrave? A My age is -430--about 82; I am away along in the 83 year.
Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Moses, Susan, Sallie and Josh.
Q When did you become acquaintedwith the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very w ortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Moses he lived, after he married, he lived about 50 yards.
Q Well, now, where is Moses Holt living now, do you know?
A Lives right there by me in Fort Scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never keep no count of; I don't thi nk he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tommie moved away from there?
A That maybe all the way from five, six, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she was up there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquainted with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anything about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she take some children back from here the first time she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 44.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 18 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holt? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names, well there was Moss and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Moss and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Moss Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the territory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 50 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?
A Yes, sir.
Q What members of the family are you acquainted with? A I know Moses, Moses lives there now, Joll I think another one, George Hayes.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed them well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. LAWRENCE: You don't know where the women folks made their home, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. LAWRENCE: What is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.
Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Moses, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A. Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she was living up at Fort Scott? A She was married when I get acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir.
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn't be positive but it appears to me there was.
Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with them or not living?
A Yes, sir.
Q Where is Rose living now? A Rose is living up there now.
Q About how long has it been since you remember of Josh and Rose living anywhere else? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A He has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. LAWRENCE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the territory and back to Kansas, would come down here a few a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. LAWRENCE: And they were living there when you came?
A They was there when I came.

Comr Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

[illegible] provided [illegible] the rulings [illegible] the agreement between the attorneys, that the [illegible] all these cases, be so close and should be closed by the Commission, and that no extension should be granted in any case and [illegible] unless there is some special and particular reason [illegible] by the Commission notice on the one side or the Applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1906, and the Commission must take judicial notice of the judgment roll of said court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above cases and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger,

Subscribed and sworn to before me this 14th day of June, 1906.

Docket D 576

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1906.

In the matter of the application of FRANK ADAMS for enrollment as a Cherokee Freedman

Applicant appears by Mellette & Smith. Cherokee Nation, by W. W. Hastings

By Mr. Smith

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 12206 filed in the Mariah Hayden case F D 499, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit

Francis Johnson, D 576;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 21st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case; and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. O. Reuter,
Notary Public.

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. O. Reuter
Notary Public.

A. P. C.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Katie Ridge, | Cherokee | Freedmen | D 295 |
| Cornelius Riley, et al., | " | " | D 306 |
| Phoebe Johnson, et al., | " | " | D 389 |
| Henry C. Ridge, | " | " | D 636 |
| Ida Jones, et al., | " | " | D 647 |
| Ary Lynch, | " | " | R 70 |
| Elmore Vann, | " | " | R 113 |
| Paul Riley, et al., | " | " | D 591 |
| Reef Vann, et al., | " | " | D 594 |
| William Townsend, | " | " | D 636 |
| Wallace Townsend, et al., | " | " | D 651. |
| Dennis Hicks, Jr., et al., | " | " | D 355 |
| Joshua Holt, et al., | " | " | D 344 |
| Ralphie Riley, | " | " | D 648 |
| Mary Johnson, | " | " | D 864 |
| Beth Vann, et al., | " | " | D 866 |
| Frank Johnson, et al., | " | " | D 876 |
| Eliza Hawkins, et al., | " | " | D 358 |
| Joseph Hicks, et al., | " | " | D 360 |
| Katie Hicks, | " | " | D 361 |
| James A. Hicks, | " | " | D 362 |
| Frances Johnson, et al., | " | " | D 876 |
| Anna Tucker, et al., | " | " | D 979 |
| Howard Bushyhead, | " | " | D 90[illegible] |
| Katie Davis, | " | " | D 953 |
| Jesse Riley, et al., | " | " | D 258 |
| Andrew Riley, et al., | " | " | D 26[illegible] |
| Jesse Riley, et al., | " | " | D 261 |
| Frank Riley, et al., | " | " | D 262 |
| Jerry Riley, et al., | " | " | D 253 |
| Fannie Scott, et al., | " | " | D 266 |
| Delilah Johnson, et al., | " | " | D 267 |
| Lottie Johnson, et al., | " | " | D 28[illegible] |
| Jane Riley, | " | " | D [illegible] |
| Daniel Thompson, | " | " | D 606 |
| Elisk Ward, et al., | " | " | D 623 |
| Sandy Thompson, | " | " | D 693 |

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| Ruth Riley, et al., | Cherokee | Freedmen | D 270 |
| Maud Riley, | " | " | D 269 |
| Charles Landrum, | " | " | D 271 |
| Nettie McIntosh, | " | " | D 443 |
| William Riley, | " | " | D 443 |
| Curtis Gibson, | " | " | D 724 |
| Cora V. Wagoner, et al., | " | " | D 37 |
| Arthur Riley, | " | " | D 571 |
| Elizabeth Walton, et al., | " | " | D 441 |
| Julius Curls, | " | " | D 269 |
| Riley Curls, et al., | " | " | D 270 |
| Ophelia Thompson, et al., | " | " | D 271. |

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Walton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Walton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ary Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elmora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Pesson, and minor children, Jessie Willard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett, subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to [illegible] Vann, and she will now be listed for enrollment as Ruth [illegible]; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1900, of Luella Johnson, child of the applicant, Frank Johnson; by Edina Hawkins for herself and minor child, Tyrella E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks, by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Willie Johnson; by Anna Butler for herself and minor child, Esther Owen, by Anna Butler for her adult brother, Howard Bushyhead; by Nellie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Idelleer and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl R. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James M., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elmera Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenie and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavits showing the birth, on February 13, 1902, of Beatrice Davis, child of the applicant, Riley Davis, and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Marshall, Harvey and Allen Thompson.

Based on the following testimony, decisions, and Departmental letters hereinafter and made a part of the record in this case: the decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3479-04), in the case of Eli Vann, C.F.D. 466, its decisions rendered by the Commission on July 18, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. [illegible]), in the cases of Jesse Vann et al., C.F.D. 254 (R [illegible]), and Emma Vann C.F.D. 268, its decisions rendered by the Commission on March 8, and April 20, 1904, and of Departmental letters of June 2, [illegible], and 29, 1904 (I.T.D. 4360, 5026-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. [illegible] (R 399), William Holt, C.F.D. 694 (R 398), and Hesse Holt, C.F.D. 146, its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4734-04); in the consolidated case of Katie Thornton et al., C.F.D. 878 et al., (R. 410-R 411-R 412-R 413-R 414) of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8136-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624, of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Weigs, et al., C.F.D. 381, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 384, Abraham Ward, C.F.D. 607 (R 263), and of Peter Ward, C.F.D. 613, R 262).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1900, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Henry, Herbert, Jerome and Pearl Riley, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Mattie Johnson, were born since 1900, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelius Jones, are children of the applicant Ida Jones, were born since 1900, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelius Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elmore Vann, is a child of the applicant Ary Lymon, and the said Jesse Ridge, deceased, was born since 1900, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1900, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant Tom G. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1900, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Rosa Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 254 and 265 the Commission found that the said Jesse Vann and Rosa Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 2412-8594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1900, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Nettie and Joseph Hicks; that the applicants Nettie Hicks, Joshua Holt

and [illegible] Miller, [illegible] of One Esther Holt, and Anderson Johnson, deceased, [illegible] Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and were taken from the Cherokee Nation during said rebellion and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of Cherokee freedmen to said Nation; that the applicants, Jerry [illegible], [illegible], Mabel, and Elmer Hicks, Jane Holt, Laura and [illegible] Jasper, Mildred, Clifford and Caucelia [illegible], [illegible] Vera, Martha and Lillie Chisnell, [illegible] C.F.D. 668 the Commission found that [illegible] mother of the applicant, Luella Johnson, [illegible] enrollment as a Cherokee freedman, and on [illegible] was approved by the Department), Eliza and [illegible] A., Nattie and James V. Hicks, Frances, [illegible], [illegible] and Gilda Johnson, Anna Butler, Esther [illegible], [illegible] Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Lettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Hattie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

[illegible], Joseph, Willie, Viola, [illegible], Elmore, [illegible], [illegible], Frank, Lottie, Fannie, James, Ralph, Arizona, [illegible], [illegible] Florence (D. C. D. 624, the Commission found that one Mary [illegible] wife of the applicant Frank Riley, and mother of the applicants [illegible], Lottie, Fannie, James, Ralph, Arizona, Viola and [illegible] and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October [illegible], 1[illegible], the finding was approved by the Department), [illegible], [illegible], Brenda, Marian, Maggie, Calvin, Martha, Ada and [illegible], Charles Wesley Miller, Jessie and Jimmie Scott, [illegible], [illegible], Jesse, Alfred, Nola, Della, Ella, Harriet, [illegible], [illegible], Gilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, [illegible], Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles [illegible], Jessie McIntosh, William Riley, Carrie Gilbert, Cora [illegible], and [illegible] Wagoner, Arthur Riley, Elizabeth and Elmore Melton, [illegible], Willie, Edward, James, George, Stephenia and Montrice [illegible] (One Nancy Curls, D.C.D. 625, who was denied enrollment [illegible] Commission to the mother of the six last mentioned applicants, [illegible], Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde [illegible], were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, [illegible] and Hannah Riley, Fannie Scott, Lottie Johnson, [illegible] Thompson, and Elliot and Amanda Ward, and of the said Mike [illegible], deceased, Martha McCair, deceased, and Willie McCair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Solomon Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1[illegible]. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

[illegible] returned to the Cherokee Nation in 18[illegible], remained a few months, and then removed to Texas, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 as contemplated by the treaties, or whether they were in a position to avoid the failure of which they testify, in view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their claims to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Tyner, et al., (I.T.D. 1440-04), William Foster (I.T.D. 1440-04), Jerome Duncan et al. (I.T.D. 1440-04), Samantha Chambers, (I.T.D. 2[illegible]-04), [illegible] (I.T.D. 4230-04), Martha Albert et al., (I.T.D. [illegible]-04), and Moses Ross (I.T.D. [illegible]-04), and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Nettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Nettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1865, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office, that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among other, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNairRiley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum as he has been repeatedly contradicted and impeached. See, in particular, C. F. D. [illegible] and [illegible]. In C. F. D. [illegible] ( R [illegible] ), he swears, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Don Landrum, deceased, are the parents of the applicants Charles Landrum and Nettie Clinton, and that the said two last named applicants were born in 18[illegible] and 18[illegible], respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Don Landrum, continuously lived near Garnett, Kansas, during the years 186[illegible], '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 613 ( R 202 ), and D 607 ( R 263 ), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5643, 11776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

[illegible] citizenship of the Cherokee Nation, and their applications for enrollment as such are accordingly denied, and that [illegible] of section twenty-one of the Act last above [illegible] Bridge, Henry Bridge, Jesse Bridge, and [illegible] Tillis, Henry Tillis, Percy Tillis, [illegible] and Pearl Tillis, Henry T. Bridge, [illegible] and Stella Martin, Cornelius [illegible], Jesse Barnett and John T. Riley, [illegible] Townsend, Willie Townsend, [illegible] and Arthur Townsend, Lettie Hicks, [illegible] Hicks, Mabel Hicks and Elmer [illegible] Holt, Laura Hesson, Ella Hesson, Jessie [illegible] Holt and Marcelia (Marcelia) Holt, [illegible] Johnson, Ruth Vann, Martha Chinnett and Lillie [illegible] Johnson and Luella Johnson, Eliza Hawkins and Tyndle [illegible], Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Lettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this Oct. 13, 1905.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the applications for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

| | | | | |
|---|---|---|---|---|
| Katie Ridge, | Cherokee | Freedmen | D | 290 |
| Cornelius Ridge, et al. | Cherokee | Freedmen | D | 366 |
| Phoebe Johnson, et al. | Cherokee | Freedmen | D | 589 |
| Henry C. Ridge, | Cherokee | Freedmen | D | 616 |
| Ida Jones et al. | Cherokee | Freedmen | D | 647 |
| Ary Lynch, | Cherokee | Freedmen | R | 70 |
| Elmera Vann, | Cherokee | Freedmen | R | 113 |
| Maud Riley et al. | Cherokee | Freedmen | D | 591 |
| Rosa Vann et al., | Cherokee | Freedmen | D | 594 |
| William Townsend, | Cherokee | Freedmen | D | 636 |
| Dennis Hicks Sr.,et al. | Cherokee | Freedmen | D | 356 |
| Eliza Hawkins et al. | Cherokee | Freedmen | D | 358 |
| Joseph Hicks et al. | Cherokee | Freedmen | D | 360 |
| Katie Hicks, | Cherokee | Freedmen | D | 361 |
| James A. Hicks, | Cherokee | Freedmen | D | 362 |
| Joshua Holt, et al. | Cherokee | Freedmen | D | 644 |
| Mary Johnson | Cherokee | Freedmen | D | 664 |
| Ruth Vann et al. | Cherokee | Freedmen | D | 664 |
| Frank Johnson et al. | Cherokee | Freedmen | D | 676 |
| Frances Johnson et al. | Cherokee | Freedmen | D | 676 |

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Herena and Pearl Milton; by Henry C. Ridge for himself; by Ida James for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius James, child of the applicant, Ida James; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Minera Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife Susie Hicks (by intermarriage), and minor child, Otte A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Reesen, and minor children, Jessie, Willard, Clifford and Mancelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Vilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I.T.D. 17884-1906), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should

be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 506; Cornelius Ridge et al. D 506; Phoebe Johnson et al. D 506; Henry C. Ridge D 636; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 118; Maud Riley et al. D 601; Rosa Vann et al. D 594; William Townsend D 634; Leroy Hicks et al. D 355; Eliza Hawkins et al. D 355; Joseph Hicks etal. D 360; Katie Hicks D 361; and James Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelius Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D 330 infra.) Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, were born since 1866 as [illegible] Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee, Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Johnson, Jennie, Willard, Clifford, and Cornelia (Pearlina) Holt, Mary Johnson, Ruth Vann, Martha and Willie Chisnell, Frank Johnson (In T.F.D. 603 the Commission to the Five Civilized Tribes found, on April 21, 1906, that Rebecca Walker, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 25, 1906-I.T.D. 7712-3846-1906), and Frances, Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson, deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904, (I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 5848-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius

Jones, Elmora Vann, Maud Riley, Jesse Barnett, John G. Riley, Rena Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Elise Hawkins , Tyndle H. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Hamselia(Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Signed

Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory,

this February 28, 1907.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Frances Johnson,
Vinita, I. T.
Cherokee-F-D-678,
Inegister.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen

COPY

S-104.

Muskogee, Indian Territory, October 13, 1909.

Frances Johnson,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1909, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-104
Register

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 14, 1908.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1908, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

Cherokee Nation
[illegible], et al.

Tahlequah, Indian Territory, October 11, 1904.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 10, 1904, rejecting the applications for enrollment as Cherokee freedmen had by citizens by intermarriage of the Cherokee Nation in the consolidated contestments of Betty Ellis, et al., Cherokee freedmen applicants, vs. Cherokee freedmen [illegible], et al.

The decision, together with the report of proceedings had in the case, has this morning transmitted to the Secretary of the Interior for his action thereon. You will be informed of the action of the Secretary as soon as the action is received by the action of the Secretary as soon as the action is received by the action of the case.

Respectfully,

(Signed) Tams Bixby,
Commissioner.

Tcal.-Rec.

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Muskogee, Indian Territory, October 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 11, 1903, (I.T.D 2212, 7034-1903), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 296, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1903, rejecting the applications of Lenna Ridge, Ary Lynch, Dennis Hicks Jr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Garnett and John C. Riley, Rosa Vann and Josephine Vann, William

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Secretary--B.

Townsend, Mallie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Dessen, Ella Dessen, Jessie Holt, Willard Holt, Clifford Holt and Dameelia (Mareelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tandle T. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Green, Edward Bushyhead, Katie Davis, Jesse Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Rebel Riley, Elmera Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lettie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl R. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Secretary.

Johnson, Rebecca Johnson, Luford Johnson, Gilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Nick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Ben Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Nettie McIntosh, William Riley, Carrie Gibson, Cora E. Gardner and Oval Wagner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Seephenia Curls and Beatrice Curls, Opholia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, Case No. D 383, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

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cision rendered on July 9, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 ( I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

Secretary--9.

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner

Commissioner of Indian Affairs.

Incl. F 16.
LMB

LAND:

[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

[illegible]

December 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 12, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Ratie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elmera Vann; by Maud Riley for herself and her minor children, Jesse Burgess and John W. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Nettie Hicks and his minor children, Leroy, Dennis, Jr., Delma, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jones, both and minor stepgrandchildren, Lonnie and Willie Hendrix and minor children, Freddie, William, Clifford and Reynolds (deceased) Bell; by Bobbie Miller for herself; by Mary Pegueses for herself; by Ruth Chiswell and for herself and her minor children, Bertha and Little Chiswell; by Frank Johnson for himself and his minor child, Lizzie Johnson; by Eliza Hendrix for herself and her minor child, Tyrelle H. Hendrix; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Ruth Hicks for herself; by Jesse A. Hicks for himself; by Frances Johnson for herself and her minor children, Bettie, Estie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bradyhead; by Estie Davis for herself; by Minnie Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mabel, Elmore, Idella, and Luther H. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Lola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James H., Amanda, Mariah, Maggie Calvin, Bertha, Ada, and Lemon Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Lemon, Jesse, Alfred, Nola, Delia, Ella and Warrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Mick Ward

for himself and wife, Jennie Ward, and his minor children, Irvin, Harry, Ray, Sam, Effie, Troy, Jenny, and Helen Ward; by Sandy Thompson for himself; by Seth Riley for herself, and herdeaf child, Lenora Odine Riley; by Kenneth Riley for herself; by Charley Lambrum for himself; by Bettie Heinbach for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Vaguner for herself and her minor child, Oval Vaguner; by Arthur Riley for himself; by Elizabeth Welton for herself and her minor child, Elmora Welton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenie, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 15, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 15, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim NOR possess

any rights to enrollment other than by virtue of their marriage to Dottie and Joseph Ticket; that the applicants, Dottie Ticket, Jackson Wolf and Nellie Miller (children of one Esther Wolf), and Andrew Johnson, deceased, Dash Beckhead, deceased, and Dottie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Tennie Scott, Delilah and Lottie Johnson, and of Willie McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Tennie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Hiek and Amanda Ward and Sandy Thompson and Ben Lankford, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokeerell, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from S. F. Pugle containing options in their behalf which have been carefully considered.

In view of the report the approval of the Commissioner's decision appears to all the applicants is recommended.

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

EGK
C

DEPARTMENT OF THE INTERIOR,
Washington.

D.G.29836.

I.T.D.17884-1906. July 9, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D, 298). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

It is alleged they returned to the Indian Territory under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
D 555 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

| | |
|---|---|
| D 555 | Dennis Hicks, et al, |
| D 644 | Joshua Holt, et al, |
| D 648 | Sallie Miller, |
| D 664 | Mary Johnson, |
| D 666 | Ruth Vann, et al, |
| D 575 | Frank Johnson, et al, |
| D 556 | Eliza Hawkins, et al, |
| D 560 | Joseph Hicks, et al, |
| D 561 | Katie Hicks, |
| D 562 | James A. Hicks, |
| D 676 | Frances Johnson, et al, |
| D 979 | Anna Butler, et al, |
| D 980 | Howard Buckhold, |
| D 983 | Katie Davis. |

The records of this office show that you are the attorney of record in the following cases;

| | |
|---|---|
| D 555 | Dennis Hicks, et al, |
| D 666 | Sallie Miller, |
| D 678 | Frank Johnson, et al, |
| D 356 | Eliza Hawkins, et al, |
| D 360 | Joseph Hicks, et al, |
| D 361 | Katie Hicks, |
| D 362 | James A. Hicks, |
| D 670 | Frances Johnson, et al, |
| D 955 | Katie Davis; |

that Louis T. Brown is the attorney in the following cases;

| | |
|---|---|
| D 864 | Mary Johnson, |
| D 868 | Ruth Vann, et al, |
| D 979 | Anna Butler, et al, |
| D 980 | Howard Bushyhead; |

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at the time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A.

Encl. 6-1.

Commissioner.

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be interviewed.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A.

Encl. 6-1.

Commissioner.

Cherokee Freedmen
D 588 et al.

Muskogee, Indian Territory, August 4, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

| | |
|---|---|
| D 588 | Dennis Hicks, et al, |
| D 644 | Joshua Holt, et al, |
| D 648 | Sallie Miller, |
| D 664 | Mary Johnson, |
| D 826 | Ruth Vann, et al, |
| D 878 | Frank Johnson, et al, |
| D 358 | Milas Hawkins, et al, |
| D 360 | Joseph Hicks, et al, |
| D 361 | Katie Hicks, |
| D 362 | James A. Hicks, |
| D 676 | Frances Johnson, et al, |
| D 979 | Anna Butler, et al, |
| D 980 | Howard Bushyhead, |
| D 983 | Katie Davis. |

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be requested to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cause, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. N.A.6-1.

Commissioner.

Cherokee Freedman
D 676

Muskogee, Indian Territory, August 6, 1906.

Frances Johnson, et al,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants return to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

| | |
|---|---|
| D 355 | Dennis Hicks, et al, |
| D 644 | Joshua Holt, et al, |
| D 648 | Sallie Miller, |
| D 864 | Mary Johnson, |
| D 866 | Ruth Vann, et al, |
| D 872 | Frank Johnson, et al, |
| D 358 | Eliza Hawkins, et al, |
| D 360 | Joseph Hicks, et al, |
| D 361 | Katie Hicks, |
| D 362 | James A. Hicks, |
| D 676 | Frances Johnson, et al, |
| D 979 | Anna Butler, et al, |
| D 980 | Howard Bushyhead, |
| D 953, | Katie Davis. |

4

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date willbe set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register. Commissioner.

Cherokee Freed.
D 678.

Muskogee, Indian Territory, November 28, 1906.

Francis Johnson,

Vinita, Indian Territory.

Dear Madam:

On August 6, 1906, you were advised that your Cherokee freedman case had been remanded to this office for rehearing and readjudication on July 9, 1906, and that your Attorney had been requested to advise this office at the earliest practicable date the names and addresses of the witnesses he proposed to introduce on your behalf, and that upon receipt of such information your case would be set for hearing.

This office has not been advised of the names of such witnesses and you are requested to advise the office by return mail whether you are represented by an Attorney at this time. Before your case will be set for hearing it will be necessary that this office be advised of the names and addresses of the witnesses you expect to introduce on your behalf, after which the Attorney for the Cherokee Nation will be notified thereof, and a day set for hearing the case, of which all parties at interest will be advised.

Respectfully,

S.W.

Commissioner.

Cherokee F.D.
676

Muskogee, Indian Territory, February 28, 1907.

Frances Johnson,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for the enrollment of yourself and children as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-51

RPI

Register.

Cherokee F.D.

291 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc L-37

Commissioner.

EPI

Cherokee N.B.
Ridge et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-3

Commissioner.

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Essie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmera Vann, Maud Riley, Jesse Barnett, John C Riley, Rosa Vann, Josephine Vann, William Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delsma Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beesen, Ella Beesen, Jessie Holt, Willard Holt, Clifford Holt, Mancelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In Connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 666, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 818, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 67605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity therete said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 1907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee Freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner

Ens I-36

RPI

(C O P Y)

D.O.12594-1907. S.P.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

E.T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

Cherokee N.
D-678

COPY

Muskogee, Indian Territory, March 16, 1907.

Frances Johnson,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting, among others, the application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

JMH

Copy

Cherokee F.
I-898 et al.

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl. H-5
JMH

Cherokee F.
D-893 et al.

Copy

Muskogee, Indian Territory, March 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl. K-4
JRK

D 30176.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Nowata, Indian Territory, June 26th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 18th, 1901, in the matter of the application of Frances Johnson et al for enrollment as Freedmen of the Cherokee Nation.

Attorneys for Applicants.

Cherokee F. #D676.

No D 676

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 1901

Given under my hand this _____ day of _____ A. D. 1901.

_____
Marshal for the Cherokee Nation.

---

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 18 day of Sept 1901.

Guillette Smith
Attorney for applicant.

---

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A.D.1901

_____

Subscribed and sworn to before me this _____ day of _____ A.D.1901.

_____
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

# NOTICE!

*IN THE MATTER OF* the application of Francis Johnson for enrollment as a Cherokee citizen.

Case No D 676

To Francis Johnson or Wallace & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

W. W. Hastin

*Attorneys for the Cherokee Nation.*

Cher Fr R 971
Trans. from Cher Fr D 687

Cher Fr R 971

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 11, 1906.

In the matter of the application of Flanda Steele for the enrollment of himself as a Cherokee Freedman being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Mr. Bellette, of Mellett & Bellette, for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your present name? A Flanda Steele.
Q How old are you? A 21.
Q What is your postoffice? A Chelsea.
Q In what District do you live? A Coowescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A No sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Henry Steele.
Q Is he alive? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Where was? A Yes sir.
Q Give me the name of your mother? A Rachel Steele.
Q Is she alive? A Yes sir.
Q How long has she been dead? A Seven years.
Q You have never married? A No sir.
Q What kin are you to Frances Anderson? A I am her sister.
Q What kin are you to Roxie Steele? A Sister.
Q Mary? A Sister.
Q Joe? A Sister.
Q You are a full sister of all these children Frances Anderson applied for? A Yes sir.
Q Are you on any roll? A Yes sir, Gilson roll.
Q You drew Strip money? A Yes sir.

1896 authentic roll of citizens of the Cherokee Nation examined and applicant not found thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Kern-Clifton payroll of citizens of the Cherokee nation examined and applicant identified as follows:
Page 387 #5404 Flanda Steel, Coweetaboowee District.
BY MR. BELLETTE:
Q Where were you born? A In the Cherokee Nation.
Q Where have you lived since your birth? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Who was your mother? A Rachel Steele.
Q What was her maiden name? A Rachel Holden, before she was married.
Q Did you know your mother? A No sir, she died before I was born.
Q What relation was your mother to Frances Anderson? A Sister, full blood.
BY MR. DAVENPORT:
Q Have you always resided in the Cherokee Nation ever since you were born? A Except when I went out to school.
Q Where did you go to school? A In Coffeyville.
Q Did you live across the line in Kansas except in Coffeyville? A No sir, I went to school in Coffeyville.
Q Did you go to school anywhere else except Coffeyville? A No sir.
Q How long did you go to school in Coffeyville? A Just eight months.
Q Were you born in the state of Colorado? A No sir.
Q You didn't go with your mother out there? A No sir, I didn't.
Q When did your mother leave? A Seven years ago.
Q Were you old enough to remember you were on Big Creek? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Claude Steele for the enrollment of himself as a Cherokee Freedman being sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for applicant;
Mr. Davenport, for the Cherokee Nation.

Q Give me your present name? A Claude Steele.
Q How old are you? A 21.
Q What is your post-office? A Chelsea.
Q In what district do you live? A Coowescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A No sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Harry Steele.
Q Is he alive? A Yes sir.
Q Is he a Cherokee Freedman? A No sir.
Q Stake man? A Yes sir.
Q Give me the name of your mother? A Rachel Steele.
Q Is she alive? A No sir.
Q How long has she been dead? A Seven years.
Q You have never married? A No sir.
Q What kin are you to Frances Anderson? A I am her niece.
Q What kin are you to Roxie Steele? A Sister.
Q Mary? A Sister.
Q Joe? A Sister.
Q You are a full sister of all these children Frances Anderson applied for? A Yes sir.
Q Are you on any roll? A Yes sir, Clifton roll.
Q You draw Strip money? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 137 #3404 Claude Steel, Coowescoowee District.

BY MR. MELLETTE:

Q Where were you born? A In the Cherokee Nation.
Q Where have you lived since your birth? A On Big Creek.
Q In the Cherokee Nation? A Yes sir.
Q Who was your mother? A Rachel Steele.
Q What was her maiden name? A Rachel Boldeng before she was married.
Q Did you know your mother? A No sir, she died before I was born.
Q What relation was your mother to Frances Anderson? A Sister, full sister.

BY MR. MASTINGS:

Q Have you always resided in the Cherokee Nation ever since you were born? A Except when I went out to school.
Q Where did you go to school? A In Coffeyville.
Q Did you live anywhere else in Kansas except in Coffeyville? A No sir, I went to school in Coffeyville.
Q Did you go to school anywhere else except Coffeyville? A No sir.
Q How long did you go to school up there? A Went eight months.
Q Were you ever in the state of Colorado? A No sir.
Q You didn't go with your aunt out there? A No sir, I didn't.
Q When did your mother die? A Seven years ago.
Q When you were first old enough to remember you were on Big Creek? A Yes sir.

Claude Steele 8

Q Who were your neighbors on Big Creek? A Wards and Hudsons and Drennans and, oh several families were our neighbors.
Q Your father and mother owned a home? A Yes sir.
Q Your house you can remember? A Yes sir.
Q Where was your sister, Rosie born? A On Big Creek, I suppose.
Q Where was your sister, Mary? Q On Big Creek, I know that.
Q You are old enough to remember that? A So far as I remember, yes sir.
Q Was you born on Big Creek? A Yes sir.
Q This same place? A Yes sir.
Q Willie? A Yes sir.
Q And Myrtle? A Yes sir.
Q All of them were born there? A Yes sir.
BY MR. MCLAUGHLIN:
Q Did you ever know of your mother going by the name of Adair? A Well she went by the name of Adair, by her owners.

Mr. Breckinridge: The applicant is identified on the Kern-Clifton roll; she states that she has lived in the Cherokee Nation all her life, except some eighteen months when she was at Coffeyville at school; she is 21 years of age, she is not identified on the roll of 1880 or the roll of 1896; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further information there will be filed with her case a copy of the testimony in the case of Cherokee Freedman D 227, the same being the case of her mother, Ema Ann Anderson and others; the final decision of the Commission will be made known to the applicant at her post-office address.

---

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

Cherokee Strong #

Q. You were your neighbors on Big Creek? A. Yes sir.
Q. Your father and mother died on Big Creek? A. Yes sir.
Q. Your father and mother died on Big Creek, I am sure.
Q. Have you your sister, Sarah Barnett? A. On Big Creek, I am sure.
Q. Have you your sister, Mary? A. On Big Creek, I know that.
Q. You are old enough to remember that? A. So far as I remember, yes sir.
Q. Was you born on Big Creek? A. Yes sir.
Q. This same place? A. Yes sir.
Q. William? A. Yes sir.
Q. And Myrtle? A. Yes sir.
Q. All of them were born there? A. Yes sir.

BY MR. MILLER:

Q. Did you ever know of your mother going by the name of Adair? A. Well she went by the name of Adair, by her owners.

Com'r Breckinridge: The applicant is identified on the Kern-Clifton roll, she states that she has lived in the Cherokee Nation all her life, except some eight or nine years she was at Coffeyville at school; she is 31 years of age, she is not identified on the roll of 1880 or the roll of 1896; she will now be listed for enrollment as Cherokee Freedman on a doubtful card, and for further information there will be filed with her case a copy of the testimony in the case of Cherokee Freedman D 627, the case being the case of her Aunt, Ira Ann Anderson and others; the final decision of the Commission will be made known to the applicant at her post-office address.

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W.D. Green, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W.D. Green

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

# CHEROKEE FREEDMEN.

Roll [illegible]

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents
Father _____ Citizenship _____
Mother _____ Citizenship _____
2. Name of child Belande Steel Age 21
Owner's name _____ Citizenship _____
Year [illegible] Page 137 Roll [illegible] District [illegible]
Parents:
Father Harry Steel Citizenship Cd
Mother Rachel " Citizenship "

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____
4. _____ Year _____ Page _____ No. _____ Dist. _____
5. _____ Year _____ Page _____ No. _____ Dist. _____
6. _____ Year _____ Page _____ No. _____ Dist. _____
7. _____ Year _____ Page _____ No. _____ Dist. _____
8. _____ Year _____ Page _____ No. _____ Dist. _____
9. _____ Year _____ Page _____ No. _____ Dist. _____
10. _____ Year _____ Page _____ No. _____ Dist. _____
11. _____ Year _____ Page _____ No. _____ Dist. _____
12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Wm. L. Stenographer Grant

Wm. Jones L. C. Rose as Belande Steel.
Cy Ex. C. F. F. 627.

App. by Smith and Mouette
Vinita I.T.

FILED
AUG 21 1901

In the ff.of in case of Frances Steele, Cro-d.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7, 1901.

In the matter of the application of Frances Anderson for the enrollment of herself and five grand children as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for applicants,
Mr. Davenport, for the Cherokee Nation.

Q Give me your full name? A Frances Anderson.
Q How old are you? A 56.
Q What is your post-office? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Who? A I have some orphan children, children of my dead sister, two dead sisters.
Q How many of these children have you got in your charge? A There is five children that are not grown.
Q They are not your own children? A No sir.
Q Have you any children of your own that you want to apply for? A No sir.
Q Have you a husband that you want to apply for? A No sir.
Q It is just yourself and these five children? A Yes sir.

Examined by Attorney Mellette:
Q When were you married to Anderson? A About 10 or 15 years ago.
Mellette: You had better apply for him too.
By Com'r Breckinridge:
Q Did your husband when he married you get out a Cherokee license? A No sir, he got the minister and went to the clerk and the clerk doubted me being a Freedman and he wouldn't give him a license.
Com'r: Hardly worth while for him to apply, as he didn't get a license.
Mr. Mellette: All right.
By Com'r Breckinridge:
Q Your husband is a state man is he? A Yes sir.
Q How long have you lived in the Cherokee nation? A Principally all my life.
Q Were you a slave in the Cherokee Nation when the war came on? A Yes sir.
Q To whom did you belong? A Nancy, Wattie and Nancy Adair.
Q Well they were recognized and well known Cherokee citizens? A So far as I know.
Q Where did they live? A In Flint district, Cherokee Nation.
Q Where did you go when the war came on? A Went to Kansas.
Q What time did you come back from Kansas? A In '66.
Q What time in '66? A Along about September or October, I believe, somewhere alongin the fall.
Q Where have you lived since that time? A Part of the time on Grand river and part of the time here in Cooweescoowee.
Q Have you lived all the time since you came back from Kansas in the Cherokee Nation? A Yes sir, my home always has been here.
Q You have been out some though? A Yes sir.
Q Where have you lived when you have been out? A I went to Oklahoma, nursing, and then I went to Colorado on some business and then I went to Eureka Springs, I went there because I was sick and I couldn't help myself and I went there for the benefit of the water.
Q Is that all? A Yes sir.
Q Have you ever been back to Kansas? A Yes sir.
Q You have been back there since you came in '66? A Yes sir.

Frances Anderson et al 8

Q Give me the name of your father? A My father was Joe Carry.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A I think he was, he died when I was little, I don't know anything about it.
Q Give me the name of your mother? A Polly Adair.
Q Is she dead? A Yes sir.
Q How long has she been dead? A It has been a long time.
Q How many times have you been married? A I have been married twice.
Q Give me the name of your first husband? A Carl Landrum.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A Yes sir.
Q When did you marry him? A In '68
Q When did he die? A I don't know what year.
Q He died more than 20 years ago? A I don't know sir.
Q Well, give me the name of your second husband? A William Anderson.
Q He is alive now? A Yes sir.
Q He is a state man? A Yes sir.
Q When did you marry him? A It has been between 16 and 17 years I guess.
Q Was the first husband dead when you married this husband? A Yes sir.
Q Is there some one here who knows about your being married to this man? A Yes sir.
Q Give me the full names of thesechildren youhave got charge of, beginning with the eldest? A (Produces papers)
Q Roxie Steel? 19, next child is Mary Steel? A Yes sir.
Q Is she 16? A Yes sir.
Q Next child is Joe? A Yes sir.
Q 13? A Yes sir.
Q Next child is Willie? A Yes sir.
Q He is10? A Yes sir, she is a girl.
Q Now Myrtle, she is eight yeard old? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Giveme the name of the mother of these children? A Rachal Steel.
Q Was she your full sister? A No sir, half sister, one mother.
Q You had the same mother? A Yes sir.
Q Whatwas her father, a Cherokee Freedman? A Yes sir.
Q Is he alive or dead? A Dead, he was Martin Adair.
Q How long has he been dead? A I don't know sir, been long time.
Q And then you had the same mother? A Yes sir.
Q Now give me the name of the father of thesechildren? A Harry Steel
Q Is he dead? A No sir.
Q Is he a Cherokee Freedman? A No sir.
Q State man? A Yes sir.
Q What was your name in 1880? A (No reply)
Q Did you go by the name of Adair when you were a girl? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizensof the Cherokee Nation examined and applicant not identified.

Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 130, #3251 Frances Anderson, Cooweescoowee District.

Q Was your sister Rachel Steel at the time of the Kerns-Clifton payment? A Yes sir.

Kerns-Clifton pay roll of citizensof the Cherokee Nation examined and applicants grandchildren identified on

Frances Adair et al 8

page 197, Flood Henry Steel, Cooweescoowee District,
page 197, Flood Mary Steel, Cooweescoowee District,
page 197, Flood Joe Steel, Cooweescoowee District,
page 197 Flood Willie Steel, Cooweescoowee District,
page 197 Flood Myrtle Steel, Cooweescoowee District.

Q Was your sister Rachel, who is dead, she is not on the roll of 1896 or 1880 either? A I guess not, she is on the Wallace roll.

1880 authenticated roll of citizens of the Cherokee Nation examined for applic nt's sister, Rachel, and not found.

Q Was your husband, Carl Landrum, he died before 1880 didn'the?
A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and for Carl Landrum, and name not found.

Q Do you know why neither you nor your dead sister Rachel are not on the roll of 1880? A Icouldn't tell you why.
Q How old was your sister Rachel when she died? A I guess she was 37.
Q Did she come back with you from Kansas? A Yes sir.
Q You came back at thesame time she did? A Yes sir.
Q How old was she when she came back from Kansas? A I don't know sir.
Q Did your father die before your mother? A Yes sir.
Q What was Rachel's name before she married? A Rachel Adair.
Q Rachel is a good deal younger than you? A Oh yes sir, she was born before thewar.
Q Born after the deathof your father? A Yes sir.
Q Rachel was not born before thewar? A Yes sir.
Q Then you are mistaken about her--well, she has been dead some years? A Yes sir.
Q Who came along with you at the time you came back from Kansas?
A Julia and Nancy.
Mr. Mellette: Were they your sisters? A Yes sir.
By Com'r Breckinridge: Q And your step-father? A Yes sir.
Q And your mother? A Yes sir.
Q Now what was the name of Rachel's father? A Martin Adair.
Q Is he dead? A Yes sir.
Q How long has Martin Adair been dead? A I couldn't tell you.
Q Well, was he a slave in the Cherokee Nation when the war came on? A Yes sir.
Q Who was it he belonged to? A Nancy Adair and Red Wattie.
Q Same people you belonged to? A Yes sir.

By Attorney Mellette:
Q Your sister, Julia, returned with you and your father and mother in '66? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who owned her? A Nancy Adair, and Wattie Adair.
Q Same one that owned you? A Yes sir.
Q Is she dead? A Yes sir.
Q Has she any livingchildren? A Yes sir.
What are their names? A Abie and Marion, Eva, Ethel, Cretwell and Ruth and Hart.
Q Who is this Nannie Tipps? A She was Nannie Adair too.
Q She is your sister aint she? A Yes sir.
Q What was hername? A She went by the name of Nancy Adair.
Q You had a sister named Nancy Adair? A Yes sir.
Q And what is her name now? A Nancy Tipps.
Q Who owned her? A Nancy and Watt Adair.

Frances Anderson c o at 6

Q They were Cherokee Indians?A Yes sir.
Q Was this Nancy Tippe your sister? A Yes sir.
Q When you came back to the Cherokee Nation in '66 where did you go, what part of the country did you go to?A On Grand River.
Q And you say you have lived in the Cherokee Nation since that time?A Yes sir.
Q How did your sister, Rachel Steel, live in the Cherokee Nation after that time all the time? A Yes sir.
Q And your sister, Nancy Tippe? A No, not all the time, sometimes out working, went out to work some of the time.
Q How long would she stay when she would go out to work?A She would stay sometimes six months and some times five months.
Q Where was her home all that time?A She lived with Julia some times and with my self some times and without sister Rachel some times.
Q I mean did she call home the Cherokee nation? A Yes sir, called her home in the Cherokee Nation.
Q You know anything about Rachel Steel's marriage to her husband? A I couldn't tell you much about it.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL 1 O'CLOCK, P.M.)

AFTERNOON, 1 O'CLOCK. This case continued, present, as before, noon.

Applicant examined by Cherokee Rep've James Davenport:

Q Where did you go when the war broke out?A Fort Scott.
Q Where were you living with the war broke out?A On the Jim Bell place.
Q Where was that?A Near the mouth of Spavinaw on Grand river.
Q Cherokee nation? A Yes sir.
Q Who was your owner at that time?A Miss Mary Adair and Dr. Adair.
Q That was Dr. Watt Adair and wife was it? A Yes sir.
Q You know where they went during the war?A He left me right there, I don't know where they went to.
Q Who did you come back with to the Cherokee nation? A With my husband.
Q Who else?A And my step-father.
Q Who was your step-father? A Martin Adair, and Polly Adair, my mother.
Q Did you come back before or after the Treaty was made?A I come back in the fall of '66.
Q Was thatbefore or after the Treaty of '66 was made? A I couldn't tell you that.
Q Had you heard anything about the Treaty before you come or after you come? A I heard about it before I come, but I don't know whether it had been made or not.
Q Did they tell you it had beenmade? A I never heard anyone say.
Q How old were you at that time? A I am pretty near 56 now, you will have to count it.
Q You were nearly 20 were you at that time? A I reckon, I don't know sir.
Q When you came back to the Cherokee nation to what point did you go? A I come to Cabin Creek first.
Q What part of Cabin Creek? A I couldn't tell you, what part it was either.
Q That part of it thatis in Kansas or that part of it that is in the Cherokee Nation?A In the Cherokee Nation.
Q You don't know what locality or settlement you went to?A I think it was near Rock Creek.
Q When you got back there who was living near you?A No one.

Q Did you see any one when your first stopped? A Yes sir, Uncle Dave French.
Q He was living there? A He was camped there he was living, he but he had no house there.
Q Who else did you see, if anyone? A I don't know whether it was the same day or the next day that I seen Mr. Webber, I don't remember that. I seen him before I left there.
Q Which Mr. Webber? A Sam Webber.
Q Do you remember whether or not you were above or below where Cabin Creek and Rock Creek come together? A I don't remember that either.
Q Where were you from the old Military road that crossed Cabin Creek there, from Fort Gibson to Fort Scott? A I don't know, that wasn't far.
Q Were you on the east side or the west side of where the Military road crosses? A It must have been on the east, I don't remember.
Q You know Rock Creek runs into the Cabin before it gets to where the Military road crosses Cabin don't you? A I believe so, I wont be positive.
Q You have been in that country often since the war haven't you? A Often, yes, well not so often either.
Q You have crossed Cabin Creek where the Military road crosses? A I guess I have.
Q Don't you know Rock Creek runs in above that crossing? A I don,t remember.
Q You can remember '66 very well? A Well, that's all right.
Q That's all you want to remember, isn't it aunt Frances? A It is something we should remember, I think.
Q The time you got back there is something you should remember too? A Yes sir.
Q And to what point you came? A Yes sir.
Q What was Webber doing when yousaw him? A I think he was going back up North.
Q Where had he come from? A He was here in the Territory.
Q What points in the territory? A Somewhere on Cabin Creek.
Q Don't you know that Webber claims to have come back up on Big Creek and not Cabin Creek? A He was there located on Cabin Creek when I met him.
Q Where was he going? A Going north I think.
Q You don't know whether he had been coming towards home or going away from home? A I guess he must have been going from home.
Q Did he tell you where he was living, and if his familt was located? A If he did I have forgotten; I didn't talk to him much.
Q We had quite a little talk, he talked more with the old folkd than with me.
Q You don't remember what year that was in, of your own knowledge? A Everybody said it was '66.
Q Had Abraham Ward come to this country before you come? A I don't know.
Q Didn't you live up there in Kansas right near Abraham Ward? A Not at that time.
Q Did you know Abraham Ward before you came back to the Cherokee Nation? A Yes sir.
Q Was he here when you came? A I never seen him.
Q After you were down there on Rock Creek and saw Mr. Webber, what did you do then, where did you go then? A To Grand river.
Q What point on the Grand river? A Near the mouth of Spavinaw on Grand river.
Q On which side? A I guess it was on the east side.
Q Where did you cross the Grand river? A It was on this side of the river, I guess.
Q Is the jim Bell place on this side of the river? A No sir, it is on the other side, as well as I can remember.

Frances Anderson et al

Q How long did you stay over there? A I don't know sir stayed there quite a while.
Q Where were you when the 1880 roll was made? A I was in the Indian Territory.
Q Did you apply to be enrolled? A No sir
Q Your sister Rachel, was she older than you? A Younger.
Q She was born after you returned from Kansas? A She was born in Flint district, Cherokee nation.
Q Was she born before or after the war? A Before thewar.
Q ~~Did they come~~ You had other sisters? A Yes sir
Q Did they come back with you ? A Yes sir.
Q How many of them? A Nancy and Rachel and Julia.
Q Did you have any other of your fami.y? A Mother andfather.
Q Nancy and Julia are the ones that are dead? A Julia is dead, and Rachel is dead.
Q Isn't Nancy dead too? A No sir.
Q Where is Nancy? A I just showed you her certificate awhile ago.
Q You had lived in other places hadn.t you othere than Kansas, since you came back? to this country? A I lived in Ottawa, Kansas,
Q Did you ever live in Colorado? A No sir.
Q Never was up there? A I have been there.
Q How long did you stay there? A About two months, and of course I was living.
Q What part of Colorado was you? A Colorado Springs.
Q Did you have your family with you when you was up there? A No sir.
Q Only stayed two months? A Just about two months.
Q How long did you live in kansas after the war? A I stayed there until '65, stayed there until, I was married in the year '65, and left there in '66.
Q You were married in Kansas? A Yes sir.
Q Your husband a Freedman or a state man? A Freedman.
Q What was his name? A Carl Landrum.
Q How long have you lived in arkansas? A I went to Eureka Springs is that in Arkansas?
Q Yes, ma'am. A I stayed there nine months.
Q That all? A That's all.
Q Have you ever lived in any other place except Eureka Springs in Arkansas? A No sir.
Q How long have you lived in Oklahoma? A I went there with A.J. Blackwell's wife, and was nursing her, and stayed two or three months.
Q You got there about the time A.J.Blackwell located the town of Blackwell, Oklahoma? A It was quite a little town when I was there, I went there time they kept arresting him so much, I went there and stayed with his wife through confinement.
Q That was about the time their girl was born? A Yes sir.
Q That was about 1895? A I don't know.
Q It was in the fall before his girl baby, the only one they have that are girls, was born? A Yes sir.
Q You say you went there about the time he was being arrested so much here? A Yes sir, I think it was in March that I went and I think it was about the first or 4th of April when I come back I think, I wont be positive.
Q You didn't stay there but just a little while? A Just with her through confinement.
Q You think it was March you went there? A I wont be sure.
Q Was Blackwell at home when you went there? A Yes sir.
Q You stayed there about two years, didn't you? A No sir, I can prove it by these McSpaddens or any of them.
Q Where did you go after you left Oklahoma? A I come back home.
Q Did you ever live in Texas any? A No sir, I don't know what Texas looks like.

Freeman Anderson et al ?

Q How long did you stay in the Cherokee Nation? A Never was out.
Q Never lived anywhere but Kansas, Colorado, Arkansas, and Oklahoma and Indian Territory? A If Hot Springs is in Arkansas, I stayed there nine months, and then come back to the Territory.

By Attorney Mellette:
Q You say you went to Hot Springs for your health? A Yes sir.
Q You didn't go there to stay? A No sir, I need to go there now, looks like my heart is about to jump out; the so medicine like they are trying to scare old women to death.

DAVID FRENCH, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A David French.
Q How old are you? A 72.
Q What is your post-office? A Lenapah.
Q How long have you lived in the Cherokee Nation? A I come with them from the Old country, from Tennessee.
Q Way back before the war? A Yes sir, in the spring of '39 we got into this country.
Q Were you out of this country a little while during the war? A Not much, I stayed with the soldiers; the war ketched me at Gibson.
Q Have you lived in this country ever since the war closed? A Yes sir.

Examined by Attorney Mellette:
Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes sir.
Q You know this applicant, Fannie Anderson? A Yes sir.
Q Did you know her mother, Polly Adair? A Yes sir.
Q Did you know her step-father, Martin Adair? A Yes sir.
Q She had a sister named Julia, who married Montgomery? A Yes sir, I knowed them all.
Q She had another sister, married Steel? A Yes sir, I know her.
Q There is another sister, Nancy Tipps, she is now? A Yes sir, I know her.
Q Do you know when these people returned to the Cherokee Nation after the war, did you see them? A I saw them.
Q When did you see them? A It was late in the fall of '66.
Q Where did you see them? A I saw them on Cabin Creek, they was coming south and I was going north.
Q Whereabouts on Cabin Creek? A It was not very far from the ford where it crosses Cabin.
Q What road was that on? A On the Military road, going up to Fort Scott.
Q It was the Military road leading from the Indian Territory to Kansas? A Yes sir.
Q You say they were going south? A Yes sir.
Q Where were you going? A I was going to Neosho Falls.
Q What for? A After my people.
Q After your family? A Me and my brother was together, we was going after his people and my mother and father.
Q That was in '66? A Yes sir.
Q Have you known her since that time? A Yes sir.
Q Did you see Julia at that time on Cabin too, Julia Montgomery? A Yes sir, I saw them all, her father and her step-father and them her and the children.
Q By Com'r Breckinridge: Do you mean her father and step-father? A Her step-father and, that is Martin Adair.
Q But you didn't see her own father? A No sir, he was dead.
Q Was her mother there? A Yes sir.
Q That's what you mean, her mother and step-father? A Yes sir.
Q Mr. Mellette: And Rachel Steel was along? A Yes sir.

Transcript and record at 8

Q And the woman called Nancy Tippe now? A Yes sir.
Q Where have these people lived since that time, since you saw them, to what country? A So far as I know they have been living in here.
Q Cherokee Nation? A Yes sir.

Examined by Cherokee Replive Davenport.
Q Uncle Dave, how far do they live from yonnow? A I don't know how far it is from here to Quesenne.
Q You live at Goosenecks? A Yes sir.
Q Where do they live? A On the hill here.
Q Where were you living in '66 when you started back to Neosho Falls, Kansas? A No place.
Q Hadn't you located? A No sir.
Q Where did you start from when you started back to Neosho? A Started below here on Grand river. It was right after the war, awhile after the war.
Q Well, youhad come back here in '66, to what point had you gone? A Pryor's Creek.
Q Whatp art of Pryor's Creek? A It was up there in the settlement, in what is called the Bill Looney settlement.
Q Did you start from the Bill Looney settlement to go back to Kansas? A Yes sir.
Q Where was it you met this woman and her step-father and people? A It was up on Cabin Creek, I told you.
Q Where was it with reference to the military road? A It was on the Military road; I was traveling up the Military road.
Q Then as stated by the applicant you didn't see them on Rock Creek did you? A
Mr. Mellette: She said near Rock Creek, shethought.
Q Where did you see her? A I told you.
Q Well, where was it? A Close to Cabin Creek.
Q Which side of Cabin Creek was it on you saw her? A On the south side.
Q How far from Cabin Creek? A I don't know exactly how far.
Q What were they doing when you saw them? A I told you I was camped and they come to me.
Q Who all came to you? A Why I left and I went north and they come downsouth, xx said they was coming down to the Locust Grove.
Q That was in '66? A Fall of '66.
Q What time of the yearwas it? A I don't know.
Q What month was it? A I couldn't say.
Q What year was it? A It was along in September or October, I wont say which.
Q You hadn't seen Sam Webber at that time? A I saw Sam Webber some wheres, but I don't know whether he was with me then or not.
Q Was you acquainted with him before the war? A Yes sir.
Q This September or October that you met these people did you know whether Sam Webber had returned before you met these people? A Sam Webber had returned.
Q Where was he living? A I think he was stopping on Big Creek.
Q Do you know? A I hadn't been over in there; but he was traveling north too.
Q I want to know if you had seen him up to the time you met these people? A Yes sir.
Q Where did you see him? A Down on the river.
Q And that was in September or October? A I don't know exactly, I couldn't say for certain, it was in the fall of the year.
Q Was it cold or hot weather? A It wasn't so very cold.
Q Was it a little bit cold? A It was a little cold.
Q When did you next see Sam Webber? A I don't recollect.
Q Did you know Abraham Ward at that time? A I don't know.
Q You don't know him now do you? A I knows him now.

Q Did you search him up to the time you met these people? A I couldn't tell you.
Q How long did you stay in Kansas when you went back? A Stayed awhile, until I came on back.
Q You don't know how long it was? A I don't know how long it was.
Q You don't know whether it was one year or fifty? A I wasn't thinking it particular about it.
Q You remember distinctly when you got back? A I do know I got back two or three times.
Q You don't know how long you stayed up there? A I stayed up there as long as I could get ready to come on back.
Q How many of this woman's family was with them when they came from there? A Her mother and step-father and then a passle of children, and her husband, this woman's husband.
Q She was married then? A Yes sir.
Q You don't know how many children? A I don't know exactly how.
Q You don't know their names? A I didn't know what their names were.

SAM WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Sam Webber.
Q How old are you? A About 58.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee nation? A I was born here.
Q Were you out during the war? A Yes sir, got back here in '66.
Q You have lived here ever since? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.

By Mr. Mellette:
Q Do you know the applicant here, Frances Anderson, or Fannie Anderson? A Yes sir.
Q Did you know her step-father, Martin Adair? A Yes sir.
Q Did you know her mother, Polly Adair? A Yes sir.
Q She had a sister named Julia, did you know her? A Yes sir.
Q What other sisters do you remember except Julia? A Nancy Tipps goes by now, and Rachel.
Q Rachel, what was her name when she died? A Rachel Steel.
Q Do you know when these people came back to the Cherokee Nation after the war? A I saw them over there on Cabin Creek as we was going back to Kansas.
Q When was that? A It was along in the first part of the fall, latter part of the summer, somewhere along there.
Q What year? A '66.
Q Where were you going? A We was going to Kansas.
Q Was that after you had moved your family here? A No sir, I was going after them.
Q What road was it on? A On the Military road leading from Fort Scott to Fort Gibson.
Q And near Cabin Creek? A Yes sir.

By Cherokee Rep've Davenport:
Q Where were you living when you started back to Kansas this time you claim to have met these people? A We left our things up north and brought part of them here to Big Creek; brought our plows and things.
Q From what point did you start from back to Kansas when you met these people? A From here on Big Creek.
Q In the neighborhood of where you now reside? A Yes sir.
Q That's what's now known as the Jim Martin neighborhood? A Yes sir.
Q About 15 or 20 miles northwest of here? A Yes sir.
Q It is nearly north of here? A Yes sir.

Q You had started to that point in Kansas? A Fort Scott, we went through Fort Scott.
Q You met this woman and her parents on Big Cobin? A Yes sir
Q What part of Big Cobin was it? A Right at the crossing
Q At the crossing of what? A Cobin Creek.
Q What is it crosses Cobin Creek there? A The Military road
Q The Military road that led from Fort Gibson to Ft. Scott? A Yes sir
Q There's about 12 or 16 miles directly north-east of here? A I guess it is.
Q And below the mouth of where Rock Creek empties into big Creek?
Q Yes sir.
Q You started from your home then on Big Creek, and travelled south-east about 35 miles before you started towards Kansas did you? A Always go to the Big road, and directly east of where we didn't know no other way.
Q I will ask you if the Military road to Fort Scott, Kansas, didn't run within 25 miles of your place, and directly east of where you was living when you started? A I guess it was.
Q Then why did you travel more than 35 miles south instead of going east? A Didn't know no other way, that's why.
Q Wasn't there an Osage Trail that ran from Osage Mission to Fort Scott, Kansas? A We didn't go it if there was.
Q Wasn't there Osages living in that locality where you located when you came down there? A They lived up north of us on Snow creek, and Panther creek.
Q There was Osages up in there? A Yes sir.
Q The traders come in that locality to trade with them? A I guess so, I never saw them.
Q Didn't you see Nelson Murrell in the fall of '66 peddling flour to them? And haven't you testified to that right here? A No sir.
Q You didn't know that Nelson Murrell was up in there? A I know he was up in there, but I didn't know about his peddling flour.

By Com'r Breckinridge:
Q You say you live about 15 miles north of here? A Yes sir, I guess about that.
Q What kind of country is it, hilly couhtry? A It's level there, I live over across the river now.
Q I am talking about this place where you lived at the close of the war, is it prairie there? A Yes sir.
Q Was there any road leading from where you lived right straight over to the Military road that went to Fort Scott? A We just made a trail leading to the big road and went out west in there hunting homes, and then just followed the trail back to the road again.
Q There was no leading out road except that one you made? A No sir, that was all we had, the trail we made when we went out in that country.
Q They hadn't laid out any roads like theyhave at the present day? A Nosir, none at all not until now, there's roads now.
Q Is it a pretty open prairie country, could you have gone it without any difficulty in that day? A We didn't know nothing about the country, it was a strange country to us.
Q You didn't know what you might have come across? A No sir.

By Cherokee Rep've Davenport:
Q Didn't you cross the Neosho River on the Military road coming to Big Creek to locate when you came back? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and five children in her charge; the applicant is identified on the Kern-Clifton roll and not upon the roll of 1880 or upon that of 1896; it appears from the testimony that she was a slave of a Cherokee citizen, and lived in the Cherokee Nation at the beginning of the Civil War; she

Practice Examiner of a[illegible]

one corollary to the st[illegible] case, and the testimony indicates that she came here with her mother and step-father and some others enumerated in the testimony, to the autumn of '66, since that time she has be[illegible] Colorado, Eureka Springs, Arkansas, and to the [illegible] but the testimony does not indicate that her [illegible] of these places was of a protracted character, [illegible] permanent purposes; the west to Colorado for a month on account of her health, she made a stay of some nine months at Eureka Springs for her health, and her other visits were passage of lesser duration and for temporary purposes. It appears from the testimony now given that the omission of the applicant from the roll of 1880 was not through any fault of her status, but for the further consideration of her case, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her other post-office address.

As for the fivechildren named in the testimony, they are thechildren of a deceased sister of the applicant, they are all minors, and are living at this time, and they are identified on the Kern-Clifton roll; their mother is shown to have returned to the Cherokee Nation after the war with the applicant; she died after the roll of 1880 was made, but before the Kern-Clifton roll was made; it appears that she lived in the Cherokee Nation from the time of her return from Kansas in '66 until her death; no serious reason is seen at this time to invalidate the right of these children to enrollment, but at present, inasmuch as the mother was not placed upon the roll of 1880, they will be placed upon a doubtful card, and the final decision of the commission will be made known, through the applicant, at her post-office address.

In the course of this testimony the case of one Nancy Tipps, formerly Nancy Adair, a sister of the applicant, has been entered into, and as she is stated to be an afflicted woman, and may have to be applied for by one of thechildrenof her deceased sister Julia, who are living in the charge of the womanNancy, and the status of this woman Julia Montgomery, formerly Adair, now deceased, has also beenshown, she, as well as Nancy, being of the same mother and of the same status as respects the treaty of 1866 as the applicant, as the rights of the children of the woman Julia will depend upon the status of their deceased mother under the Treaty of 1866, and when these cases are taken up this testimony will be incorporated therein.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 13, 1901.

(signed)C.R.Breckinridge,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this August 16, 1901.

Commissioner.

8687.

To be filed with C. R. [illegible].

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee freedmen.

SUPPLEMENTAL T. 5-427.

Applicant represented by Mellette & Hall, Vinita, I.T.
Cherokee Nation represented by F. J. Hastings.

The Cherokee Nation, by its Commissioner, makes affidavit to the fact of service on the said attorneys for applicant, Mellette & Hall, that it would, on the 11th day of April, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee freedmen.

The applicant and her attorneys have this day, to wit: the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

MRS. E. N. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I sign my name Mrs. E. N. Walker, E. N. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the Adairs who now goes by the name of Frances Anderson? A Yes, sir, I knew her from a child, from a baby.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up? A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Dr. Adair.
Q Your sister? A My sister; when she married mother gave her this girl.
Q She was the property then of your sister at the time the war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1862.
Q Well, but I mean were you here after the war, '66 and '7 and '8? A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war where did you first see this applicant, if at all, Frances Anderson? A About the year 1880.
Q About the year '80? A Yes, sir. I saw her at the Vinita Fair, as well as I can recollect, about the year '80.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q Well, what did she say with reference to her residence? A Well, she hadn't settled yet, and she had come from Kansas, she hadn't been

here very long, she didn't say whether she had come in, then she didn't say anything, she just said she hadn't been here long.

Q Did she make any inquiry about--? A She was inquiring about the folks.

Q About the folks? A Yes, sir.

Q Did you know whether she was married at that time? A Yes, sir.

Q You don't know where she married, do you? A No, sir, I suppose she married in Kansas.

Q She hadn't yet got any home? A No, sir.

Q She didn't settle down? A No, sir.

Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.

Q Now that was the first time you had seen her after the war?

A Yes, sir, that was the first time.

Q Did she know where any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.

Q Did you ever see her after that? A Yes, sir.

Q There? A She stayed all night at our house.

Q At your house? A Yes, sir.

Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going on to see Mont.

Q Mont Adair? A Yes, sir.

Q What relation was he to you? A Well, he is my brother.

Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.

Q That was after you had seen her up at Vinita? A Yes, sir.

Q Well, did she at any time claim to you that she had come back here in '66? A No, sir.

COMMISSION: Now, this Frances Anderson belonged to your sister at the close of the war or at the outbreak of the war? A Yes, sir.

Q Your sister was a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know whether or not Frances Anderson left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.

Q Did she go up there with your people? A No, sir

Q She went up there alone? A She went up with her mother and her other relatives, they were on my place there at Parkhill when they all left.

Q Now what time did she go up there, that is what time during the war, do you know; what year was it in? A It was '62.

Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.

Q You had never saw her in Fort Gibson? A No, sir.

Q You don't know where she lived of your own knowledge? A No, sir.

Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.

Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-687, D-689, and D-900.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

points the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Justine [illegible]

Subscribed and sworn to before me this 18th day of April, 1960.

[illegible]
Notary Public.

Fol. 687.

F.S. 638 To be filed with J.S. 497

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 16, 1902.

In the matter of the application of Mary Harris and others for enrollment as Cherokee freedmen.

SUPPLEMENTAL No. F. 638.

APPEARANCES:

Willette A. Smith for applicants.
T.M. Hastings for Cherokee Nation.

MARRY R. KELLEY, being first duly sworn, testified as follows:

MR. MARTIN: What is your name? A Harry R. Kelley.
Q What is your postoffice? A Fort Smith.
Q How long have you lived at Fort Smith? A 13 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q What was your postoffice? A Burlington the last few years I lived there, but I was born at Ottawa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottawa, Kansas? A I left Ottawa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1858, I think as early as 1865.
Q Did you know of them in 1863? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, whowas the husband of John Curry's mother.
Q What was her name? A Polly, they also lived on our farm.
Q Well John lived there at the same time? A John lived there from 1865 until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homestreading, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she died, that is his wife? A Yes, his wife, she died about 1884.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1886? A Yes, sir.
Q When was that? A Killed a man in our county there about 1886.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Jennie and Joe and Harrison, and another one, I don't recall the name of the other one.
Q They were all born there, were they? A No, Mary wasn't born there they had her the first I can recollect.
Q You don't know where she was born? A Don't know where she was born, but the others were born there.

Q [illegible] Polly Rowlin, they were generally called there, sometimes they called them Adair.
Q Did you ever see married a man by the name of Martin Rowlin? A No. They were married when I came there.
Q Well, lived with a man by the name of Martin? A Yes, sir that was her husband then.
Q He went by the name of Martin Rowlin? A Yes, sir, Martin Rowlin.
Q And you know them in 1860? A Yes, sir, [illegible] I have of Martin and Polly and their family was moving them out of the bottom time of the flood in [illegible] they were clearing land for my father and the overflow land, and [illegible] them up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No, I perhaps have heard but I can't recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife, but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation Mr. Kelley. A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Rowlin was also known as Polly Adair A Yes, sir.
Q You know that shewas the mother of John Curry? A Well, she said she was, and it was generally said she was.

Q Wellrecognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.
MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never knew of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68? A I have no distinct recollection of the Currys before that I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.
Q Well I move to strike that because that's what the witness understood and not what he knew.

COMMISSION: Motion will be noted, and the testimony will be considered for what it may be worth.

MR. HASTINGS: And so far as your personal knowledge goes you don't fix this there before '68? A I don't fix John Curry's there before '68 in that place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You speak of seeing somebody up out of the bottom, who was that? A Old Martin and his family.

Q What was martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well you got quite of somebody killing a man, now who was that? A John Curry.

Q Well was that your personal knowledge or a matter of hearsay? A Well I didn't see the killing done, I knew of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I can't give you the date, no.

Q Do you know what year it was that he killed the man? A To the best of my recollection was in the ~~xxxx~~ spring of '68.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried? A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I know, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q 84? A '84.

Q What time did you make your visit to Ohio before you went to school A In '68.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there? A A number of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: D-541, D-533, D-534, D 532, and in D 528, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson D-527, and in the references thereto as follows; D-687, D-688 and D 900

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of the same numbers, object to the filing in these cases of the testimony of the witness Harry E. Kelley, for the reason that it does not appear from said testimony that the Frances mentioned by him is identical with the applicant, Frances Anderson.

MR. MARTINUS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H.H. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Ivory and the testimony further shows that her mother's name was Polly Ivory, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony, and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her stepfather.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that the witness the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

RANDY R. KELLEY, recalled:

MR. MARTINUS: Mr. Kelley, dadyou know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After the death of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.

Q How many children did they had? A There was several, I don't recall now many, several children I think of them born there on the place.

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Arthur G. Croninger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P.G. Reuter,
Notary Public.

(SEAL)

C. L. Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C. L. Mielenz

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter
Notary Public.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES. A.P.No.

In the matter of the application for the enrollment of Jack Starr, et Al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Jack Starr, | Cherokee Freedman | D | 443. |
| Charley Starr, | " | " | D 444. |
| Peggie Grimmett, | " | " | D 445. |
| Lissie Starr, | " | " | D 446. |
| Eddie Starr | " | " | D 447. |
| Elijah Starr, et al., | " | " | D 448. |
| Thelia Jones, | " | " | D 449. |
| Frances Anderson, et al., | " | " | D 1042. |
| Clemmie Steele, | " | " | D 487. |
| Abbie E. Williams, et al., | " | " | D 487. |
| Cornelia Martin, | " | " | D 489. |
| | | | D 534. |

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Georgia Starr, for, among others, her husband, Jack Starr; by Hannah Starr for, among others, her husband, Charley Starr. The others included in said applications have been otherwise disposed of , and their rights to enrollment as Cherokee freedmen will not be considered in this decision. By Henderson Grimmett for his wife, Peggie Grimmett; by Lissie Starr for herself; by Eddie Starr for himself ; by Elijah Starr for himself and wife, Morning (Mona) Starr, and their minor child, Charlotte Starr; by Lycurgus K. Jones for his minor child, Thelia Jones; by Frances Anderson for herself and minor nieces, Maxie, Mary , Willie and Myrtle Steele, and her minor nephew, Joe Steele; by Clemmie Steele for herself; by Abbie E. Williams for herself and

minor child, Dorothy B. Williams, and minor brothers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Hart Montgomery, thereafter, on June 14, 1902, there was filed with the Commission an affidavit showing the birth, on August 3, 1901, of Major L. Williams, son of the applicant, Abbie E. Williams; and by Cornelia Martin for herself.

THE EVIDENCE IN THE CASE SHOWS: That the applicants Jack and Charley Starr and Frances Anderson, claim the right to enrollment as Cherokee Freedmen by virtue of their compliance with the provisions of Article IX of the Treaty of 1866, and that all the other applicants herein claim the right to Cherokee freedmen citizenship as follows: Peggie Grimmett, Lizzie, Eddie, Elijah and Charlotte Starr and Thella Jones, as descendants of the applicant Jack Starr and one Charlotte Starr, deceased, Morning (Mona) and Charlotte Starr, Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, as descendants of one Rachel Steele, nee Adair, deceased; Abbie E., Dorothy B. and Major L. Williams, Marion, Eva, Ethel, Cretwell, Ruth and Hart Montgomery, as descendants of Julia Montgomery, nee Adair, deceased; and Cornelia Martin as a descendant of John and Charlotte Curry, both deceased. It is alleged that all of said dead ancestors enumerated in this paragraph, complied with the said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Jack and Charley Starr, and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the commencement of the rebellion, and were taken from the Cherokee Nation during said rebellion. And that all the applicants herein except the three last above named, were born since the commencement of the said rebellion.

(2) That the applicants Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, nee Starr, now deceased, are children of the said applicant, Jack Starr, and Charlotte Starr, deceased.

(3) That the applicants Morning (Mona) Starr and Roxie, Mary, Joe, Willie, Myrtle, and Claude Steele, are children of the said Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants Abbie E. Williams and Marion, Eva, Ethel, Cretwell, Ruth and Hart Montgomery, are children of the said Julia Montgomery, deceased,

and one Henry Montgomery, a non-citizen of the Cherokee Nation; that the applicant Cornelia Martin, is a daughter of the said John and Charlotte Curry, both deceased, and that the minor applicant, Charlotte Starr, is a child of the said applicants, Elijah and Morning (Mona) Starr; that the applicant Thalia Jones, is a child of the said Mattie Jones, nee Starr, deceased, and one Lycurgus H. Jones, a non-citizen of the Cherokee Nation; and that the minor applicants, Dorothy R. and Major L. Williams, are children of the said applicant, Abbie R. Williams and one Jesse R. Williams, a non-citizen of the Cherokee Nation.

(4) That none of the applicants herein possess any rights to enrollment as Cherokee citizens other than as above indicated, and that none of said applicants nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is therefore considered that in order to properly adjudicate these applicants' rights to Cherokee freedman citizenship, as of September 1, 1902, the primary questions presented for determination are:

Did Jack and Charley Starr and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, or either of them, return to the Cherokee Nation after the rebellion, and become domiciled citizens thereof, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation?

JACK STARR, applicant, appeared before the Commission on May 31, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 66 years old, and my postoffice is Centralia. My first wife was named Charlotte Starr, nee Whitmire. She died about twenty years ago. I have lived in the Cherokee Nation ever since I can recollect. During the war I engaged as teamster with the First Indian Regiment, and went north to Kansas with it. We stayed for a while about twelve miles this side of Fort Scott and from there went to the Arkansas-Missouri line, and later returned to Fort Gibson where we disbanded at the close of the rebellion in 1865. The following October I went up in Kansas where

My wife was, and worked around Fort Scott for a while till I got myself a plug of a team, and came back to the Nation here". I brought my wife and children with me and we reached the Cherokee Nation and located on Big Creek, Chouwasscowee District, "about the first of September or last of August" 1866, and I have since continuously lived on the same place. I returned to this country with Dave Hayes, Sam and Jesse Whitmire, Berry Ward and Caesar Smith. Aaron Wright (Whitmire), Lewis Wright, (Whitmire), Mike Sanders, Sam Webber and Harry Still, with their families, were living there on Big Creek when we arrived. These people, except Harry Still, had houses but lived, and all had in small patches of corn when we reached the Cherokee Nation. I did not get on the '80 Roll simply because the Cherokees would not put me on.

SAM WEBBER, in behalf of applicant, appeared before the Commission on June 6, 1901, at Chelsea, Indian Territory, and testified as follows: I am 58 years old and my postoffice is Nowata. I know Jack Starr. He came to the Cherokee Nation after the rebellion in the fall of '66, just a few days after we moved, and settled there by us, where he has since continuously lived. I don't know why he did not get on the '80 roll. I had no corn patch when he arrived, and did not have one till the next year, 1867. I first came to the Cherokee Nation, after the rebellion, in July, '66, and went back and moved down that fall. Uncle Dave Hayes, Santa Ann Vivens and Caesar Smith, came here with Jack Starr, when he moved here in '66. I have seen Jack Starr vote in the Cherokee Nation, but he has always been a disputed citizen. Quite a number of disputed citizens have farms up in the Big Creek country. I am on the 1880 roll as an adopted colored.

LEWIS WHITMIRE, in behalf of aplicants, same date and place, testified as follows: I am about 62 years old, my postoffice is Hayden, and I have lived in the Cherokee Nation all my life. I know the applicant Jack Starr, and think I know when he returned to the Cherokee Nation after the war. I first saw him when he moved on Big Creek in the fall of '66, and to the best of my knowledge he has ever since lived there. I don't know why he is not on the '80 roll. I know he has always been a disputed citizen. I know he came here in '66 because every body said it was '66. I don't know what year the Wallace roll was made. I am on the '80 roll but don't know what year that was. I think the Kern-Clifton roll was made in 1896. I have never before testified at any time for Jack Starr when he was trying to get on the roll, but have always known as much about his citizenship as I do now. I proved my rights to Cherokee citizenship before the Chambers Court in 1878. I do not know whether Jack Starr ever went before that Court to prove his citizenship or not.

JACK STARR, applicant, recalled, testified: I went before the Daniels Court for the purpose of proving my rights to citizenship but "they laughed at us and said for us to go home and go to work". I did not go before the Chambers Court.

MOSES WHITMIRE, in behalf of applicants, same date and place, testified as follows: I am about 78 years old. My postoffice is Hayden, and I have lived in the Cherokee Nation all my life. I am on the roll of 1880. Jack Starr, Sam Webber and myself, among others, went before the Daniels Court to prove our rights to Cherokee citizenship, but they would have nothing to do with us. I am related to Joshua Whitmire but don't know what Court admitted him. I don't remember whether or not Johnson Webber was along when we went before the Daniels Court. I was admitted to citizenship by the Chambers Court. (Docket of Doubtful cases for Citizenship tried in 1871", which was the Daniels Court, said Docket being in the possession of this office, shows that the Daniels Court decided that Sam Webber and family and Johnson Webber and family, were entitled to Cherokee freedman citizenship).

HARRY STILL, in behalf of applicants, appeared before the Commission on June 24, 1901, at Nowata, Indian Territory, and testified as follows: I am 54 years old, my postoffice is Hayden, and I am a recognized citizen of the Cherokee Nation. I know Jack Starr and his son Charley Starr. I first saw Jack Starr, after the rebellion, on Big Creek, Cherokee Nation, in November, 1866.

CHARLEY STARR, applicant, appeared before the Commission on June 24, 1901, at Nowata, Indian Territory, and testified as follows: I was born in '61 and my postoffice is Wimer, Coowescoowee District. My father is named Jack Starr, and my mother, now deceased, was named Charlotte Mayes. I was born in the Cherokee Nation and have lived on Big Creek ever since I can recollect. I have never been in Kansas that I know of.

ELIJAH STARR, applicant, appeared before the Commission on June 27, 1901, at Nowata, Indian Territory, and testified as follows: I am 25 years old and my postoffice is Centralia, Coowescoowee District. My wife is named Morning Starr. She is about 25 years old and is a daughter of Harry and Rachel Steele, deceased. We have lived in the Cherokee Nation all our lives.

LIZZIE STARR, applicant, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 30 years old, my postoffice is Ruby, Coowescoowee District. I was born and raised in the Cherokee Nation.

LEWIS WHITMIRE, in behalf of this applicant, same date and place, testified that he had known her since birth, and that she had lived in the Cherokee Nation all her life.

SAM WEBSTER, in behalf of this applicant, same date and place, corroborated Lewis Whitmire's testimony and further testified that her father and mother, Jack and Charlotte Starr, left the Cherokee Nation during the rebellion and returned thereto a few days behind him, and that he (Sam Webster) "got back in the first part of April '66". Also that Jack Starr on his return to the Cherokee Nation preceded Abraham Ward "not quite two months". ( In C.F.D. 607-mo- R 268- the Commission to the Five Civilized Tribes found that the said Abraham Ward did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, the evidence in said case indicating that he was living in Kansas as late as the fall of 1866, and its said decision was duly affirmed by the Department).

EDDIE STARR, applicant , appeared before the Commission on June 27, 1901, at Nowata, Indian Territory, and testified as follows: I am 29 years old and my postoffice is Centralia, Cooweescoowee District. I was born on Big Creek, and have lived in the Cherokee Nation all my life.

HENDERSON GRIMMETT, in behalf of applicant, Peggie Grimmett, appeared before the Commission on June 28, 1901, at Nowata, Indian Territory, and testified as follows: I am 37 years old, and my postoffice is Juby, Cooweescoowee District. I apply for the enrollment of my wife, Peggie Grimmett, who is about 38 years old. I have known my wife since she was a small girl, and so far as I know she has lived in the Cherokee Nation all her life.

LYCURGUS K. JONES, in behalf of the applicant Thella Jones, appeared before the Commission on October 18, 1901, at Vinita, Indian Territory, and testified as follows: I am about 35 years old, my postoffice is Centralia, Cooweescoowee District. I apply for the enrollment of my daughter, Thella Jones, aged ten years. Her mother's name was Mattie Jones, and, if living, she would be about 32 years old.

FRANCES ANDERSON, applicant, appeared before the Commission on June 7, 1901, at Chelsea , Indian Territory, and testified as follows: I am 56 years old and my postoffice is Chelsea, Cooweescoowee District. The children included in my application are those of my deceased sister. We returned from Kansas to the Cherokee Nation, after the rebellion "along about September or October 1866", and since our return I have made my home in the Cherokee Nation. Since my return in '66 I have been out "to Oklahoma nursing, and then I went to Colorado on some business, and then I went to Eureka Springs (Arkansas) for the benefit of the waters". I have also been back to Kansas. My father was named Joe Curry, he died when I was small. My mother was named

Polly Adair, she has been dead a long time. My first husband was named Earl Lanstrum, we were married in Kansas in 1868, and he is now dead. Rachel Steele, the mother of the children for whom I apply, was my half-sister, we had the same mother. Her father was named Martin Adair. He had been dead a long time. My step-father and mother, Martin and Polly Adair, and my half-sisters, Rachel, Julia and Nancy Adair, and myself, composed a crowd that returned from Kansas to the Cherokee Nation in 1866. Upon our return we first went to Cabin Creek, I do not know that part, but think it was near Rock Creek. While Dave Wrench was camped near us, and the day we arrived or the next day, we met Mr. Sam Webber not far from where the old military road crosses Cabin Creek. I think he was then located in the Cherokee Nation, and was on his way back north. We went from Rock Creek to Grand River, near the south of Spavinaw, and stayed there quite a while.

DAVID WRENCH, in behalf of applicants, Frances Anderson et al., same date and place, testified as follows: I am 72 years old, my postoffice is Lenapah. I moved from Tennessee to the Cherokee Nation in the spring of '59, and have continuously lived in the Cherokee Nation since the war closed. I knew the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and sisters, Julia, Nancy and Rachel Adair. Julia married a Montgomery; Rachel married a Steele, and Nancy is now named Tipps. I first saw this family in the Cherokee Nation after the Rebellion, "late in the fall of '66". I and my brother were on our way from a point on Pryor Creek to Neosho Falls, Kansas, after our people, and met them on the military road near where it crosses Cabin Creek. Frances Anderson's husband was also a member of this party. I was not located in the Cherokee Nation at that time.

SAM WEBBER, in behalf of the applicants, Frances Anderson, et al., same date and place, testified as follows: I am about 66 years old, my postoffice is Nowata. I was born in the Cherokee Nation, and have continuously lived here since '66. I knew the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and her sisters, Julia, Nancy and Rachel Adair. I saw these people on the military road near Cabin Creek, along late in the summer or early part of the fall of '66, as we were going to Kansas after our families. We had started on this trip to Kansas from a point on Big Creek in the neighborhood of where I now reside. The neighborhood of which I speak is about fifteen or twenty miles a little west of north of here (Chelsea). We met this party where the military road from Fort Gibson to Fort Scott crosses Cabin Creek, about fifteen or twenty miles northeast (southeast) from here, and about thirty-five miles southeast from the point we started from on Big Creek. The military road run due east from where we lived on Big Creek, but we knew no other way to get to it, and then on to Kansas, than the way I have described. In coming to this country we had made a trail from the military road to where we located on Big Creek,

and upon our return to Kansas we followed the trail back to the big road.

FRANCES ARTHUR, applicant, appeared before the Commission on September 23, 1903, at Vinita, Indian Territory, and testified as follows: I am about 56 years old and my postoffice is Chelsea. John Adair (or Curry) and Uncle Lew Martin and others that I cannot now remember, were along when we returned to the Cherokee Nation in 1866. 'I know Uncle Dave French, but they was ahead of us a day or two, and Uncle Sam Webber, and really if I was just to try I couldn't tell you all of them'. We first came to Rock Creek, and found Uncle Dave French living there, and I think the Lynch's also lived in that neighborhood, but not right on Rock Creek. I had a brother named John Curry, he died at Wichita, Kansas, but I do not know what year. I don't know what year this is, and don't know what year the Kern-Clifton roll was made, I only know the years when I am told them. My mother, Polly Adair, died and was buried in the bottom, close to Grand River, near the mouth of Spavinaw. I don't know on whose place it is now, but think it belonged to the Cherokee Nation at that time. My father died at the same place, and they both died of the smallpox. I don't know what year they died, nor how long after the war it was. I don't know a young man by the name of Harry E. Kelly, and never saw him at Ottawa, Kansas. My father and mother never lived on the Kelly farm in Kansas, and m mother is not buried at Ottawa, Kansas. Uncle Sandy Bean, Tobe Bean, and Arthur Bean lived in our neighborhood when my father and mother died, and if given time I can bring witnesses to prove that they died and are buried as I have testified. I never was in, saw, nor heard tell of Ottawa, Kansas, in my life. We did come through Burlington, Kansas, on our way from Fort Scott to the Cherokee Nation. (Burlington, Kansas, is twenty-five miles north and fifty-five miles west- due northwest- from Fort Scott, Kansas. The point in the Cherokee Nation where this applicant claims to have located is twenty-two miles west and ninety-seven miles south from Fort Scott, Kansas, and in 1866 the military road between Fort Scott and Fort Gibson, Indian Territory, ran due south from Fort Scott to the Kansas-Indian Territory line, and then in a southwesterly direction to the immediate vicinity in which said applicant claims to have lived after her return in 1866). The winter of '66 we lived on Grand River, near the mouth of Spavinaw. Uncle Sandy Bean, Al and Crap Lynch were our neighbors the first winter we were here. We lived about a quarter of a mile from Uncle Sandy Bean, and after my mother's death I lived right in the house with Uncle Sandy. My sister Rachel got acquainted with Harry Steele on Grand River, in t e Nation. He came down there and took her away and later they returned. They afterwards kept house on Big Creek. I saw Cherokee citizens in that part

of the country once in a while, but do not know the names of any that lived near our place. I have been living at Chelsea about twenty years. I was married the first time at Washington Adair's, that was before the war. My husband, Carl Landrum, came back with me after the rebellion and later died at Ottawa, Kansas, not a great while after the war. All my mother's children except me, lived with her after our return to the Cherokee Nation, until she died. My sister Rachel's oldest child, Fannie, must be about 28 years old now. (The records of this office fail to show that application has ever been made for the enrollment of Fannie). My mother and father died when every body was having the smallpox (about 1862 or 1863). Rachel was not married when our mother died. My mother and father did not die, nor were they buried, at Ottawa, Kansas. I do not know where place my mother is buried or; she is not buried in a grave-yard. "Q. According to the schedule of the ages of these three children, Rexie was born in 1862, during the year of the smallpox, and Rachel Steele, her mother, must have had three children prior to that time, but you say that her mother died down here in the Cherokee Nation , and that Rachel was living with her, and single and unmarried, how do you account for that?-- Ans. I don't know, but she was".

MRS. E. N. WALKER, in behalf of Cherokee Nation, appeared before the Commission on April 11, 1902, at Muskogee, Indian Territory, and testified as follows: I will be 77 years old my next birthday, I am a Cherokee by blood and my postoffice is Fort Gibson, Indian Territory. I have known the applicant, Frances Anderson, since she was a baby, also knew her mother, Polly. At the commencement of the rebellion Frances belonged to my sister, Dr . Adair's wife, and Polly belonged to my mother. I left the Cherokee Nation in 1862, and returned in 1866, and have been living here ever since. I first saw the applicant, Frances Anderson, "about the year 1880" at the Vinita fair. She inquired about the folks, and said "she had not settled yet ", that "she had come from Kansas", and "had not been here very long". "She did not say when she had come in, nor anything, she just said she had not been here very long".

CLAUDE STEELE, applicant, appeared before the Commission on June 11, 1901, at Chelsea, Indian Territory, and testified as follows: I am 21 years old, and my postoffice is Chelsea. I was born on Big Creek, and have lived in the Cherokee Nation since birth. All my brothers and sisters were born on Big Creek.

ARRIE ROMA WILIAMS: applicant, same date and place, testified as follows: I am 18 years old, and my postoffice is Chelsea, Geweesecowee District, Cherokee Nation. I have lived in the Cherokee Nation "all my life most nigh, except when I was out at school" at St. Paul, Kansas,--"six months one time, ten months another."

CORNELIA MARTIN, applicant, appeared before the Commission on June 8, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 22 years old, and at present my postoffice is Vinita. My father was named John Curry, or John Adair, and my mother was named Charlotte Vann. My father and mother have been dead about eighteen years. I am a full sister to Mary Harris, Stella Martin and Harrison Curry. I was born on Grand River, so I am told, and lived there till my mother died. I have never been recognized as a citizen of the Cherokee Nation, am on no Cherokee rolls, and have never drawn any money from said Nation.

The following testimony was taken in re application of Mary Harris, et al., for enrollment as Cherokee Freedmen, case No. D. 526, and was ordered filed in re application of Cornelia Martin et al., supra.

MARY HARRIS, applicant, (in . F. D. 526), appeared before the Commission on June 8, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 33 years old, my postoffice is Vinita, and I live in Cooweescoowee District. My father and mother's slave names were John Adair and Charlotte Vann, but I always knew them as John and Charlotte Curry. I was born in the Cherokee Nation, and have lived at Vinita the last twelve years. Prior to that time I lived for a while on Grand River and Panther Creek. I am a sister of Joe and Harrison Curry and Cornelia and Stella Martin. I also have, or had, a sister named Emma Williams "that we don't know of being dead". (Six days later the said Emma Williams applied for enrollment as a Cherokee freedman, before the Commission at Chelsea, Indian Territory , and testified that Chelsea was her postoffice, and that she had lived in the Cherokee Nation since birth). I am the oldest child in our family, and when I can first remember I was living on Grand River, and continuously lived in the Cherokee Nation till about eighteen years ago when "I went to my grandmother's in Kansas, Anderson County, near Garnett." My mother died of smallpox on Grand River about eighteen years ago. From my earliest recollection till I was about seventeen we lived on Grand River, I think . Our nearest neighbors during that time, were Art Williams and Millie Frye. I think a man named Buffington also lived near us, but don't remember of any one living in that vicinity by the name of Watt West. I came to Vinita from Panther Creek, where I had lived a year or two. I moved to Panther Creek from Wichita, Kansas. My husband's name is Nelson Harris. We were married at Kingman , Kansas. My husband has been living in Kansas, but I have not lived there since we were married. My children were all born in the Cherokee Nation, and were brought up by my aunt, Frances Anderson. I do not know that my father and mother did much of anything when we lived on Lunch's Prairie (Grand River). My mother lived with her grandmother, "Granny Charlotte ." If my mother's grandmother had any other name I never heard of it.

WILLIE FOXX, in behalf of Mary Harris, same date and place, testified as follows: I am 61 years old , and my postoffice is Vinita. I live on Grand River, and have known the applicant Mary Harris since she was a small girl. I also know her father and mother, John and Charlotte Curry. They were taken out of the Cherokee Nation during the rebellion, and I first saw them in the Cherokee Nation after the rebellion, about eighteen years ago--"the year we had the smallpox"(1863). "They just came out on the river to see their grandfather.Charlotte came there to see old man Adams, and they quarantined them in there, and her (Charlotte's ) father and mother died with the smallpox and her grandfather and grandmother died, and just left the children there alone; that is all I knew about it."

JOHN FREEZE, in behalf of Mary Harris, same date and place, testified as follows: I am about 59 or 60 years old, I live in Coweescoowee District and my postoffice is Coffeyville, I knew John Curry, father of Mary Harris. I first met him, during the war, on Wolf Creek, Cherokee Nation, and next saw him on the old John Alberty place on Pryor Creek, when he stayed all night with us, during the summer or fall of 1866. I have never seen him since.

FRED MARTIN, in behalf of Mary Harris, same date and place, testified as follows: I am 43 years old, and my postoffice is Spavinaw. I know the applicant, Mary Harris. I first saw her father just after Christmas in the winter of '66, when "he stayed two or three days at my house, we were living on the John McNair place". He at that time said he was going to Fort Gibson. I never saw him again. I guess I was eight years old in '66.

ROBERT BOWEN, in behalf of Cherokee Nation (Mary Harris case No. D 528), appeared before the Commission on October 29, 1901, at Vinita, Indian Territory, and testified as follows: I am 56 years old and my postoffice is Ottumwa, Coffey County, Kansas, where I have lived about forty-six years. I was acquainted, in Kansas, with John and Charlotte Curry. They had five children, named Mary, Joe , Neely, Teela and Harrison Elder Curry. I first became acquainted with this family in 1868, and at that time "they lived in the southwest corner of the town of Ottumwa, right adjoining my place", where they continued to live about two years, when they moved over on Harrison Kelly's place, and lived there till 1873, and then "moved to a homestead they taken on the prairie". This family"lived there from '68 to '84. Mrs. Curry died in the fall of '84, there, and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84. I was at the burying, and then I saw since then on the gravestone it was in '84. I have been to her grave and saw it there before I started."

I saw this family as often as once a week from the time they came there till they went away. Mary was the oldest child in the family. She was born at Ottawa in the fall of '66, and all the other children were born at or near there.

HARRY E. KELLY, in behalf of Cherokee Nation (Mary Harris case No. D 828), appeared before the Commission on May 16, 1902, at Muskogee, Indian Territory, and testified as follows: I have been living at Fort Smith, Arkansas, fifteen years. "I was born at Ottawa, Kansas, and lived there till I was about eighteen years old". I knew a colored man in Kansas named John Curry (Frances Anderson's brother) also knew his wife, Charlotte. I remember them as early as 1866, I think as early as '65. I can not quite fix the year they first came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip to Ohio, and was driven to the railroad station, fifty miles away, by the old Martin Molin, sometimes called Martin Adair, who was the husband of John Curry's ( and Frances Anderson's) mother, Polly Adair. Martin and Polly Adair also lived on our place. John Curry lived on our place from 1866 to 1872 or '73, when he homesteaded a piece of land about two miles from our house, to which he moved , and where he lived till his wife, Charlotte, died in '84. John Curry remained around there for a year or two after his wife's death, and then disappeared, and I have since heard that he was dead. John and Charlotte Curry had some children named "Mary (Harris) and Tennie and Joe and Harrison and another one, I can't recollect the name". I don't know where Mary was born, but all the others were born in Kansas. "The first recollection I have of Martin and Polly (Molin or Adair) and their family, was moving them out of the bottom, time of the flood in '66; they were clearing land for my father and the overflow came, and he brought them up to the house, out of the flood". Polly Adair was the mother of John Curry and had other children , one named Frances (Anderson), "who used to come there occasionally, and one named Nancy (now Tipps) and Nathan, (deceased), and Julia (Montgomery, deceased), and Rachel (Steele, deceased).. " Rachel married a darkey named Harry Steele, I do not know who Frances married. I have heard who Julia married, but cannot recollect the name now. Martin and Polly lived around there till Polly died, sometime between '69 and '71. "I remember them being there when I came home from Ohio in the fall of '68, and she died before I went to Ohio to School in the fall of '71." Martin Adair went off for a time after his wife's death, but returned and died, and was buried on our farm in 1874. I do not know where Frances lived during the time I testify of "She just came to visit, these Curry's lived right in our yeard, or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house". I was about six and one-half years old when I went to Ohio in 1868. I left Kansas in 1887. My father was named Harrison Kelly. After their marriage Rachel and Harry Steele "lived on our place, there right by our house, worked for us". They had several children born there, but I

do not recollect their names now. Rachel continuously lived there till her mother's death, but after that I don't remember her till she came back there about 1878, married to Harry Steele, " and them lived there by our house for some five years after that."

.. .. .. .. .. ..

ROBERT HOOVER, in behalf of Cherokee Nation, appeared before the Commission on April 6, 1908, at Muskogee, Indian Territory, and testified as follows: I am 64 years old, and my postoffice is Burlington, Kansas. I at one time knew a colored man named John Curry, also knew his wife, Charlotte. I know the applicant, Cornelia Martin, as Cornelia Curry. I first became acquainted with John Curry in '67, I think it was in August. "He shot a man at Leroy ( Kansas ) in '65, and he was under arrest and I met them in the road with him in August, '67". that was at Ottumwa, Kansas. The next October the Curry family moved across the road from me and lived there from '67 till '72, when John Curry having homesteaded a piece of land about two miles north of Ottumwa, they moved out there and lived till about '85. Charlotte died there and was buried in the graveyard at Ottumwa. I know this because I had her buried, and if it testified that she died and was buried on Grand River, Cherokee Nation, it is a mistake. I saw John Curry often from '67 to '75. "I don't think there was a week I did not see him. We worked together a good deal and I know that he was never away as long as a week at a time." I knew John Curry's sister Rachel. "Her name was Rachel Steele, she came there in about '66. Martin Bolin was her father." I knew Martin Bolin's wife. Martin Bolin and wife continuously lived in that vicinity from '66 to '80, when Mrs. Bolin and one of the boys died, and then the old man came to Parsons and got the smallpox and came back and died. I attended the funeral of Mrs. Bolin and her son, they were both buried in the cemetery, on the same day, Sunday. I knew John Curry's children, they were named Mary, Cornelia, Joseph, Harrison, Elworth and Christine. They were all born at Ottumwa, Kansas, and attended the schools there. It was reported up there that John Curry died at Wichita, Kansas. I knew Rachel's husband, Harry Steele. "They were said to have been married at Burlington. The last time I was there they had four children. They lived south of Ottumwa and then north of Ottumwa." I think she (Rachel) left there about '80.

ISAAC HOOVER, in behalf of Cherokee Nation, same date and place, testified as follows: I will be 39 years old this coming May, my postoffice is Hartford, Kansas, and I have lived within three miles of Ottumwa, Kansas, all my life. I knew a colored man there by the name of John Curry, also knew his wife, Charlotte. I think they had six children, named Eb, Mary, Cornelia, Joe, Christine and Elworth. I can first remember this family when

I was about eight or nine years old, and remember to know them well about '65 or '66. Charlotte Curry died there and was buried just two miles south of us. I was at the funeral and burying. I knew this family well. They had no more children living and I saw them nearly every day. The children attended the district school. I knew John Curry's half-sister, Rachel, who married Harry Steele, and they lived a mile and a half east of us for a number of years, and then they lived east of us."

J. M. Ivis, in behalf of Cherokee Nation, same date and place, testified as follows: I am 62 years old, and my postoffice is Pryor Creek. I represent the Cherokee Nation in the capacity of Marshall in summoning witnesses. In the discharge of my duties I had occasion to visit a cemetery near Ottawa, Kansas, to search for the grave of Charlotte Curry. In the Bowman cemetery, near Ottawa, Kansas, I found a grave with the following inscription: "Charlotte, wife of John Curry. Born December 18, 1844, Died November 15, 1864."

C A S E C L O S E D.

The applicant Cornelia Martin, cannot be identified on any Cherokee roll, and, excepting the Wallace and Fern-Clifton rolls, none of the applicants herein can be identified on any rolls of the Cherokee Nation, in the possession of this office.

The evidence in this case indicates that immediately after the close of the rebellion, and prior to the making of the treaty of 1866, the applicant, Jack Starr, was temporarily present in the Cherokee Nation. Under the ruling of the Department in the cases of Spencer Bell (I.T.D. 6176-03), Thomas Mayfield et al. (I.T.D. 6968-04), and Martha Galus (I.T.D. 1850-04), such temporary presence would not be sufficient to satisfy the provisions of Article IX of the treaty of 1866, relative to the establishment of a residence in the Cherokee Nation within the time stipulated in said treaty. Hence, it must be shown that he returned from Kansas to the Cherokee Nation and established his residence therein prior to February 11, 1867.

In re return from Kansas of Jack Starr and family: The applicant, Jack Starr, testifies that after the rebellion he returned from Kansas to the Cherokee Nation in company with Dave Mayes, Sam and Jesse Whitmire, Berry Ward and Caesar Smith; and that they found Aaron Wright (Whitmire), Lewis Wright (Whitmire), Mike Sanders, Sam Webber and Harry Still, living, with their families, on Big Creek. All of whom, except Harry Still, had

houses built and had in small patches of corn. Sam Webber testifies that the applicant, with his family, arrived on Big Creek in the fall of '66, a few days behind him, and that Dave Mayes, Santa Ann Nivens and Caesar Smith accompanied them.

In connection with this testimony of Jack Starr and Sam Webber, attention is invited to a certified copy , filed herewith, of certain proceedings had before the Commission on Cherokee citizenship in 1878-9, which held that the said Aaron and Lewis Whitmire were entitled to Cherokee citizenship, indicating that they had complied with the treaty provisions of 1866, and that the said Dave Mayes, Sam and Jesse Whitmire, Berry Ward , Caesar Smith, Santa Ann Nivens and Jack Starr were not entitled to Cherokee citizenship, thereby indicating that they did not comply with said treaty provisions of 1866.

In re witness Harry Still: This witness was admitted to Cherokee citizenship by the Daniels Court in 1871, and for that reason his application for enrollment as a Cherokee freedman has been granted. The Commission to the Five Civilized Tribes, however, found that the said Harry Still did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and in Departmental letter (I.T.D. 7658-04), its findings of facts were admitted by the Department to be correct. His mother, Mariah Hayden, who returned at the same time, was denied enrollment by the Commission, said decision being approved by the Department.

If, as the applicant, Jack Starr, testifies, Aaron and Lewis Whitmire, Mike Sanders, Sam Webber and Harry Still, were living on Big Creek, with their families, and had erected houses and put in crops, when he, with his family, returned to the Cherokee Nation after the rebellion, they did not arrive in said Nation till subsequent to March, 1867,-- the date found by the Chambers Court, and by the Commission to the Five Civilized Tribes, in numerous cases, as the one when the Webber-Whitmire-Sanders colony of freedmen, with their families, landed in the Cherokee Nation after the rebellion.

In C.F. D. 471, now R 226, the Commission to the Five Civilized Tribes, found in its decision rendered on July 10,1903 , that the said "Berry Ward, now deceased", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and on January 4, 1904, (Departmental letter I.T.D. 8978-03), its finding was affirmed by the Department.

In C. F. D. 602, the said Commission found , in its decision rendered on March 5, 1904, that the said "Santa Ann Nivens", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmore decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. F. D. 626, the said Commission found, in its decision rendered on June 21, 1906, that one Joseph Smith, son of the said "Caesar Smith", now deceased, who, the evidence shows, returned with his father, did not return to the Cherokee Nation after the rebellion within the time specified in said Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. F. D. 981, the said Commission found in its decision rendered on April 20, 1906, that one David Mayes, son of the said "Dave Mayes", now deceased, who, the evidence shows, returned with his said father, did not return to the Cherokee Nation after the rebellion within the time specified in said Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. F. D. 796, now 1379, said Commission , in its decision rendered on January 2, 1904, found that the said "Samuel Whitmire" returned to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on June 27, 1904 (L.T.D. 5038-04), its finding was affirmed by the Department. In this case Samuel Whitmire was granted enrollment on the testimony of Sam Webber, who testified that Samuel Whitmire returned with them in the fall of 1866--- testimony absolutely false, as can be shown by evidence practically conclusive, subsequently obtained and now in the possession of this office.

The testimony in C.F.R. 213, 214 and 215, shows that the said "Jesse Whitmire" (also known as Riley), is living , but the records of this office fail to show that aplication has been made for his enrollment as a Cherokee citizen. Sim and Samuel Whitmire, Cases Nos. R 214 and R 215, respectively, sons of the said Jesse Whitmire, born since 1866, were denied enrollment as Cherokee freedmen, by the Commission to the Five Civilized Tribes in its decision rendered on July 10, 1903, and on September 30, 1903 (I.T.D. 6180-03), said decision was affirmed by the Department. The status, however, of the said Jesse Whitmire, seems not to have been considered in the above mentioned decision.

In re return of Frances Anderson to the Cherokee Nation after the rebellion: In connection with Sam Webber's testimony relative to the return of this aplicant, attention is invited to a rough map and notes thereon, filed with the record in this case.

Frances Anderson insists that Sandy Bean, now deceased, was one of their nearest neighbors when they located on Grand River upon their return to the Cherokee Nation in the fall of 1866. The Daniels Court denied Sandy Bean the right to Cherokee citizenship, on the ground that he returned too late, and he was rejected by the "Commission on (Cherokee ) Citizenship" of 1878-9. In C. F. D. 215, now 1421, Joe Bean, age 55, (May, 1901), son of the said Sandy Bean, testified that after the rebellion he brought his father from Kansas to the Cherokee Nation in the fall of 1867. In C. F. D. 200 ( Thomas Mayfield et al.) Walter A. West testified that, among others, Thomas Mayfield and "Sandy Bean", with

their families, returned to the Cherokee Nation in "February 1866". It was found by said Commission that the said Thomas Mayfield did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and its finding was approved by the Department.

Frances Anderson further testified that her stepfather and mother, Martin and Polly Adair ( also known as Bolin), died of the smallpox, in the Cherokee Nation, about 1863, and are buried near the mouth of Spavinaw on Grand River. This is contradicted by testimony practically conclusive, of several witnesses from Kansas, introduced by the Cherokee Nation, and the testimony of Willie Frye, witness for Mary Harris, indicates that it was Charlotte Curry's father and mother and grand father and grandmother who died and were buried at the time and place testified to by the applicant. On her first appearance before the Commission this applicant testifies that as she was coming to the Cherokee Nation in 1866, she met Dave French and Sam Webber on their way back to Kansas. On her second appearance before the Commission she testified that she followed the said Dave French and Sam Webber to the Cherokee Nation, arriving a few days behind them. She also testifies that Lew Martin was a member of the company returning with her in 1866.

In C.F. D. 289, the Commission to the Five Civilized Tribes, in its decision rendered on May 13, 1905, found that the said Lewis Martin did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and the proceedings in this case were duly forwarded to the Department, where they are now pending.

The little weight to be given the testimony of Sam Webber has been commented on by this office in numerous cases, and as to the witness Dave French, attention is invited to the cases of Wash Nave, C. F. D. 815, and Frank Whitmire, C.F. D. 956, to show that his testimony is of little, if any value.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the said Jack Starr, Charley Starr, Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, Frances Anderson, nor John and Charlotte Curry, both deceased, became domiciled citizens of the Cherokee Nation within the time specified in the Whitmire decree; and that all the applicants herein except the said Jack and Charley Starr and Frances Anderson, were born since the commencement of the rebellion, are lineal descendants of the said applicants, Jack and Charley Starr, and of the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

[illegible] the provisions of Section [illegible] of the Act of [illegible] approved June 28, 1898 (30 Stat., 495), does place [illegible] Frank Wheeler, Elmer Grant, Lulu Grant, Elijah Grant, Harvey Grant, Charlotte Grant, Emma Grant, Frances Anderson, Lucy Grant, Mary Grant, Joe Grant, Willie Grant, Lucy Grant, Grant Grant, Annie E. Williams, Harvey D. Williams, and Taylor D. Williams, Carlos Montgomery, Ben McKinney, [illegible] and [illegible] Montgomery, [illegible] Montgomery, and Mary Montgomery, [illegible] and Carlos M. Montgomery, [illegible] of [illegible] to [illegible] Dawes Commission, and their qualifications for citizenship and [illegible] are respectfully denied.

(Signed) TAMS BIXBY
COMMISSIONER

Dated at Muskogee, Indian Territory,
this MAY 30 1906.

# NOTICE.

## Cherokee · Freedmen · Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

[illegible],
[illegible],
[illegible],
[illegible].

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Muskogee, Indian Territory, September 30, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated applications of Jack Starr, et al., for enrollment as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1908, rejecting the applications of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Nathing (Mona) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Rory Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Claude Steele, Abbie E. Williams, Dorothy B. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery Ruth Montgomery, Hart Montgomery, Major L. Williams and Carmelia Martin, for enrollment as such.

In connection with the decision of this office in the consolidated case herewith transmitted, the Department's

attention is invited to the consolidated case of Mary Harris, et al., including the cases of Mary Harris, et al., Cherokee Freedman 1233, formerly Cherokee Freedman D 530, Joseph Curry, Cherokee Freedman 1234, formerly Cherokee Freedman D 531, Estelle Martin, et al., Cherokee Freedman 1235, formerly Cherokee Freedman D 532, and Harrison Curry, Cherokee Freedman 1236, formerly Cherokee Freedman D 533, wherein it was found by the Commission to the Five Civilized Tribes, in its decision rendered on July 10, 1903, that Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry , Estella Martin, Ira Martin, Cecil Martin, Ray Martin , Myrrh R. Martin , and Harrison Curry, all of whom neither claimed nor possessed any rights to Cherokee citizenship other than as descendants of John and Charlotte Curry, both deceased, were entitled to enrollment as Cherokee freedmen, said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on November 12, 1903 (Departmental letter I.T.D. 7616-03). Thereafter the names of the eleven last above named applicants were placed upon the Cherokee Freedman schedule forwarded to the Department on November 8, 1904, and they are now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 18, 1904, opposite Nos. 3439 to 3449, inclusive.

Secretary--3.

It will be noted that the rights to Cherokee freedmen citizenship of the applicants included in the consolidated case of Mary Harris. , et al., supra., are identical with those of the applicant, Cornelia Martin case No. D 324, said case being included in the consolidated case of Jack Starr, et al., transmitted herewith, all said applicants claiming as descendants of John and Charlotte Curry, both deceased, and who, it is alleged, complied with the provisions of Article IX of the Treaty of 1866.

It is respectfully submitted that the evidence in the consolidated case of Jack Starr, et al., transmitted herewith, shows that neither the said John Curry, deceased, nor the said Charlotte Curry, deceased, returned to the Cherokee Nation after the rebellion, and established a residence therein, consequently, they did not comply with the provisions of Article IX of the treaty of 1866, and all applicants obtaining rights to Cherokee freedman citizenship only through them, must necessarily be denied.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office in the consolidated case of Jack Starr, et al., which is herewith transmitted, that the consolidated case of Mary Harris,

[illegible]

[illegible] which [illegible] the [illegible] of [illegible] [illegible], [illegible] [illegible], [illegible] [illegible],

Cherokee Freedmen (A)(F)

D-927.

Muskogee, Indian Territory, October 4, 1908.

Claude Steele,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1908, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 30, 1908, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Incl. 8-18
Register

Cherokee Freedmen

Smith et al.

Muskogee, Indian Territory, October 4, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1908, rejecting the applications for the enrollment of Jack Starr, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 30, 1908, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

Incl. 3-22

Cherokee Freedmen

Docket, et al.

Muskogee, Indian Territory, October 4, 1908.

Edgar Smith,

Attorney for Jack Starr, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1908, rejecting the applications for the enrollment of Jack Starr, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 30, 1908, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby.

Commissioner.

Incl. 5-21
Register

Land.
50211-1906.

-Copy-

( Copy )

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 17, 1906.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 30, 1906, transmitting the record of the application for enrollment as Cherokee freedmen by Georgia Starr for her husband, Jack Starr; by Hannah Starr for her husband, Charley Starr; by Henderson Grimmett for his wife, Peggie Grimmett; by Lizzie Starr for herself; by Eddie Starr for himself; by Elijah Starr for himself and wife, Morning Starr(Mena) Starr, and their minor child, Charlotte Starr; by Lycurgus K.Jones for his minor child, Thella Jones; by Frances Anderson for herself and minor nieces, Roxie, Mary, Willie, and Myrtle Steele, and her minor Nephew, Joe Steele; by Claude Steele for herself; by Abbie E. Williams for herself and her minor children, Dorothy B. and Major L.Williams and her minor brothers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Hart Montgomery; and by Cornelia Martin for herself.

4

September 30, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the applicants, Jack and Charley Starr, and Frances Anderson, and Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein on or before February 11, 1867; that the applicants, Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, born Starr, now deceased, are children of the applicant, Jack Starr and Charlotte Starr, deceased; that the applicants, Morning (Mena) Starr, and Rosie, Mary, Joe, Willie, Myrtle and Claude Steele, are children of Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants, Abbie E. Williams, and Marion, Eva, Ethel, Gretwell, Ruth and Hart Montgomery are children of Julia Montgomery, deceased, and one Henry Montgomery, a non-citizen of the Cherokee Nation; that the applicant, Cornelia Martin, is a daughter of John and Charlotte Curry, both deceased; and that the minor applicant Charlotte Starr, is a child of the applicants, Elijah and Morning(Mena) Starr; that the applicant, Thella Jones, is a child of Mattie Jones, born Starr, deceased, and one Lycurgus K. Jones, a non-citizen of the Cherokee Nation;

and that the minor applicants, Dorothy R. and Major L. Williams, are children of the applicant, Abbie M. Williams and one Jesse D. Williams, a non-citizen of the Cherokee Nation; that none of the applicants possesses any rightfulness enrollment as Cherokee citizens other than as above indicated and that none of the applicants, or any ancestor, can be identified on the 1880 authenticated Cherokee roll or the Cherokee B Census roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.W.)W)

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.13661-1906

April 28, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 30, 1906, you transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee freedmen of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Wernina(Mona) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Roxie Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Claude Steele, Abbie E. Williams, Dorothy E. Williams, Major L. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery, Ruth Montgomery, Hart Montgomery, and Cornelia Martin, including your decision of same date denying said applications.

October 17, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said applications be approved. A copy of his letter is inclosed.

The Department has carefully considered the evidence submitted with the record in said case and finds no reason to dis-

-4-

turb your decision, which is hereby affirmed.

Respectfully,

Thos. Ryan,

1 inclosure.

First Assistant Secretary.

Cherokee Freedmen
D 897

COPY.

Muskogee, Indian Territory, May 8, 1906

Claude Steele,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the secretary of the Interior on April 25, 1906.

Respectfully,

TONEER.

Acting Commissioner

IMB

Cherokee Freedmen
B 648 et al.

COPY.

Muskogee, Indian Territory, May 8, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Glenda Steele, Abbie E. Williams, et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 25, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

(SIGNED).

Thos. B. Bence
Acting Commissioner

LMB

Incl. B-39

Cherokee Freedmen
D 448 et al.

COPY

Muskogee, Indian Territory, May 8, 1906

Louis T. Brown,

Attorney for Jack Starr, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1906, rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Claude Steele, Abbie E. Williams et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 26, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

SIGNED).

Acting Commissioner

LMB

Incl. B-40

Cher Fr R 972
Trans. from Cher Fr D 679

Cher Fr R 972

Report of Court of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11, 1902.

In the matter of the application of Abbie Emma Williams for the enrollment of herself and all the heirs and sisters as Cherokee freedmen, being sworn and examined by examiner Brookbridge, and testified as follows:

Appearances:
Mr. Collette, of Collette & Hatch, for applicants;
Mr. Hastings, Chairman, Representative.

Q. Give us your full name? A. Abbie Emma Williams.
Q. How old are you? A. 18.
Q. What is your post-office? A. Chelsea, Indian Territory.
Q. Do you live in Tahlequah Listrict? A. Yes sir.
Q. Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q. Do you want to apply for the enrollment of anybody besides yourself? A. Yes sir.
Q. Who do you want to have enrolled? A. My baby, and sisters and brothers.
Q. You have some brothers and sisters under age? A. Yes sir.
Q. Is their mother dead? A. Yes sir. Yes sir.
Q. Is their father dead? A. No sir.
Q. Why does he not apply for them? A. He is a state man.
Q. Is he living about here? A. Yes sir.
Q. Are the children living with you? A. They are living with their aunt Mannie, Mrs. Lipps.
Q. She is unable to attend to them? A. Yes sir.
Q. How many of these young brothers and sisters have you? A. Six, have a baby first, my own child.
Q. You don't apply for your husband? A. No sir.
Q. He is a state man? A. Yes sir.
Q. How long have you lived in the Cherokee Nation? A. All my life, most high, except when I was out at school.
Q. How long were you out at school? A. Six months one time, ten months another.
Q. Where did you go to school? A. I went to St. Paul, Kansas.
Q. That the only time you have ever been out of the Cherokee Nation? A. Those two times.
Q. Give me the name of your father? A. Henry Montgomery.
Q. Is he dead? A. No sir.
Q. Is he a state man? A. Yes sir.
Q. Give me the name of your mother? A. Julia Adair, Montgomery now.
Q. Is she alive? A. No sir.
Q. Her name was Montgomery when she died? A. Yes sir.
Q. How long has your mother been dead? A. Three years.
Q. Do you know Frankie Mr. Anderson? A. Yes sir.
Q. What kin is she to you? A. My aunt.
Q. Was she a full sister of your mother? A. Yes sir.
Q. How old was your mother when she died? A. 38 years old.
Q. Your mother was born here during the war? A. Yes sir.
Q. Where was she born? A. On the Flint Nation.
Q. Flint District? A. Yes sir.
Q. In the Cherokee Nation, that what you mean? A. Yes sir.
Q. Did she go up to Kansas with her mother? A. I don't know sir.
Q. When were you married? A. February 5th, 1899.
Q. Have you a certificate of marriage? A. Yes sir, but I didn't bring it with me.

Abbie Williams, being sworn and examined by Examiner Brookbridge, testified as follows:
Q. Give your name? A. Abbie Williams.

Annie Emma Williams et al #

Q How old are you? A 27.
Q Where do you live? A About two miles and a half from town, my mother lives, I live about 2½ miles.
Q Is Chelsea your post-office? A Yes sir.
Q Is this your wife? A Yes sir.
Q How long have you and she been married? A About ten years and a half.
Q Still living together as husband and wife? A Yes sir.

APPLICANT, ANNIE EMMA WILLIAMS, recalled, and further examined
By Com'r Breckinridge:

Q You were never married except to this husband? A No sir.
Q Now give me the name of your child? A Dorathy Beatrice Williams.
Q How old is the child? A A year and five months old.
Q She is living now is she? A Yes sir.
Q Now give me the names of these six brothers and sisters that you want to apply for? A Marion Montgomery.
Q Is it a girl or a boy? A Boy.
Q How old is Marion? A 16.
Q Now the next child? A Eva Montgomery.
Q How old is Eva? A 14.
Q Next child? A Ethel Montgomery.
Q How old is Ethel? A 12.
Q Next child? A Cretwell Montgomery.
Q How old is Cretwell? A 10.
Q Next child? A Ruth Montgomery.
Q How old is Ruth? A Seven.
Q Next child? A Hart Montgomery.
Q How old is Hart? A Three.
Q Are these children all living now? A Yes sir.
Q They are your full brothers and sisters? A Yes sir.

1896 census roll of citizens of the Cherokee nation examined for applicant and name not found thereon;

Q Did you draw Strip money? A Yes sir.

Vann-Clifton pay roll of citizens of the Cherokee nation examined and applicants identified thereon as follows:
page 153 #3778 Abbie Montgomery, Cooweescoowee District;
page 153 #3779 Mary Montgomery, Cooweescoowee District;
page 153 #3780 Eva Montgomery, Cooweescoowee District;
page 153 #3781 Ethel Montgomery, Cooweescoowee District
page 153 #3782 Cretell Montgomery, Cooweescoowee District.
page 153 #3783 Ruth Montgomery, Cooweescoowee District.

Com'r to roll clerk: These children are not on the 1896 roll?
Clerk: Name of Montgomery does not appear, sir.

BY MR. MILLER:
Q What was your mother's name before she married? A Julia Adair.
Q She was a full sister to Aunt Frances Anderson? A Yes sir.
Q These children, your brothers and sisters, always lived in the Cherokee nation? A Yes sir.
BY MR. HASTINGS:
Q Where were you born? A In the Cherokee Nation.
Q Was each and every one of these children born here? A Yes sir
Q Has any of them been out of the Cherokee Nation? A None but me, and my brother, he has went and stayed about ten days.
Q They have lived on Big Creek? A Yes sir, home on Big Creek.

Com'r Breckinridge: The applicant applies for the

Annie Rose Williams et al 3

rollment of herself and one child, and for six minor brothers and sisters; the applicant is identified on the Kern-Clifton roll. She is too young to be upon the roll of 1896, and she is not identified on the roll of 1902; she has lived in the Cherokee Nation all her life, except a brief absence at school, and she will now be listed for enrollment as a Cherokee Freedman, on a doubtful card; for further information in her case, which depends upon the status of her deceased mother, Julia, nee Mair, there will be filed with her case the testimony in the case of Frances Anderson, and others, Cherokee Freedman D-687. The status of her mother is fully set forth in that case. The applicant's change of name, arising from marriage, is established in a satisfactory manner; her child, Dorothy B. Williams, an infant, will also be listed for enrollment as a Cherokee Freedman on a doubtful card. This child's ~~mom~~ claim is through its mother, ~~[illegible]~~ exclusively, as the father is a citizen man.

As for the six brothers and sisters; they are all full brothers and sisters, and , like the applicant, their claim is through her deceased mother, Julia; the first five of these children are duly identified on the Kern-Clifton roll; the first one being there given as Mary, evidently intended for Marion; these children ~~xx~~ are now living, and will be listed for enrollment as Cherokee Freedmen on a doubtful card, and when the Commission is supplied with proper certificate of birth for the youngest of these children, Hart Montgomery, he also will be listed for enrollment as a Cherokee Freedman on a doubtful card, with the applicant. The testimony from the case of Frances Anderson above cited, is applicable in the case of these minor brothers and sisters, the same as in the case of the applicant herself; the final decision of the Commission in regard to all these applications will be made known to the applicant at her post-office address.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

FILED
JUN 1 1901

MEMORANDUM OF APPLICATION

# CHEROKEE FREEDMEN.

Date [illegible]

Post Office, Okmulgee, I. T.

District [illegible]

1. Name [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

1 Name of wife Abie O. Williams Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year 1902 Page 153 No. 3778 District Cov

Parents

Father Elijah Montgomery Citizenship Cherokee

Mother [illegible] Citizenship [illegible]

Names of Children

| | | Year | Page | No. | Dist. | |
|---|---|---|---|---|---|---|
| 2. | Dorothy O. Williams | | | | | 12 |
| 3. | Mariah Montgomery | 1902 | 153 | 3779 | Cov | 16 |
| 4. | Ora " | " | " | 3780 | " | 14 |
| 5. | Ethel " | " | " | 3781 | " | 12 |
| 6. | Gretchell " | " | " | 3782 | " | 10 |
| 7. | Ruth " | " | " | 3783 | " | 7 |
| 8. | Hart " | | | | | 3 |
| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |

Application made by No. 1 — Abie Williams Stenographer Green

No. 1 on R. C. Roll as Abie Montgomery
" 3 " " " " " Mary Montgomery
" 6 " " " " " Gretell Montgomery
X Cit. to C. F. D. 627 — Frances Andrews
No. 2 and 8 Proof of birth to be supplied
Rep. by Smith and Mellette

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 1901

To be filed in case of Annie E. Williams, et al. CFD-669.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, C. N., June 7, 1901.

In the matter of the application of Frances Anderson for the enrollment of herself and five grand children as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for applicants.
Mr. Davenport, for the Cherokee Nation.

Q Give me your full name? A Frances Anderson.
Q How old are you? A 54.
Q What is your post-office? A Chelsea.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Who? A I have some orphan children, children of my dead sister, two dead sisters.
Q How many of these children have you got in your charge? A There is five children that are not grown.
Q They are not your own children? A No sir.
Q Have you any children of your own that you want to apply for?
A No sir.
Q Have you a husband that you want to apply for? A No sir.
Q It is just yourself and these five children? A Yes sir.

Examined by Attorney Mellette:
Q When were you married to Anderson? A About 10 or 15 years ago.
Mellette: You had better apply for him too.
By Com'r Breckinridge:
Q Did your husband when he married you get out a Cherokee license?
A No sir, he got the minister and went to the clerk and the clerk doubted me being a Freedman and he wouldn't give him a license.
Com'r: Hardly worth while for him to apply, as he didn't get a license.
Mr. Mellette: All right.
By Commissioner Breckinridge:
Q Your husband is a state man is he? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Principally all my life.
Q Were you a slave in the Cherokee Nation when the war come on?
A Yes sir.
Q To whom did you belong? Nancy, Wattie and Nancy Adair.
Q Well they were recognized and well known Cherokee citizens?
A So far as I know.
Q Where did they live? A In Flint district, Cherokee Nation.
Q Where did you go when the war came on? A Went to Kansas.
Q What time did you come back from Kansas? A In '66.
Q What time in '66? A Along about September or October, I believe, somewhere along in the fall.
Q Where have you lived since that time? A Part of the time on Grand river and part of the time here in Coowescoowee.
Q Have you lived all the time since you came back from Kansas in the Cherokee Nation? A Yes sir, my home always has been here.
Q You have been out somethough? A Yes sir.
Q Where have you lived when you have been out? A I went to Oklahoma, nursing, and then I went to Colorado on some business and then I went to Eureka Springs, I went there because I was sick and I couldn't help myself and I went there for the benefit of the water.
Q Is that all? A Yes sir.

Frances Anderson et al 2

Q Have you ever been back to Kansas? A Yes sir.
Q You have been back there since you came in '80? A Yes sir.
Q Give me the name of your father? A My father was Joe Curry.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A I think he was, he died when I was little, I don't know nothing about it.
Q Give me the name of your mother? A Polly Adair.
Q Is she dead? A Yes sir.
Q How long has she been dead? A It has been a long time.
Q How many times have you been married? A I havebeen married twice
Q Give me the name of your first husband? A Carl Landrum.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A Yes sir.
Q When did you marry him? A In '65.
Q When did he die? A I don,t know whatyear.
Q He died more than 20 years ago? A I don't know sir.
Q Well, giveme the name of your second husband? A William Anderson
Q He is alive now? A Yes sir.
Q He is a state man? A Yes sir.
Q When did you marry him? A It has been between16 and 17 years I guess.
Q Was the first husband dead when you married this husband? A Yes sir.
Q Is there some one here who knows about your being married to the men? A Yes sir.
Q Give me the full names of these children youhave got charge of, beginning withthe oldest? A )Produces papers)
Q Roxie Steel, 19, next child is Mary Steel? A Yes sir.
Q Is she 16? A Yes sir.
Q Next child is Joe? A Yes sir.
13? A Yes sir.
Q Next child is Wil lie? A Yes sir.
Q He is10? A Yes sir, she is a girl.
Q Now Myrtle, she is eight years old? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Give me the name of the mother of thesechildren? A Rachel Steel.
Q Was she your full sister? A No sir, half sister, one mother.
Q You had the same mother? A Yes sir.
Q What was her father, a Cherokee Freedman? A Yes sir.
Q Is he alive or dead? A Dead, he was Martin Adair.
Q How long has he been dead? A I don,t know sir, been long time.
Q And then youhad the same mother? A Yes sir.
Q Now give me the name of the father of these children? A Harry Steel.
Q Is he dead? A No sir.
Q Is he a Cherokee Freedman? A ~~Yes~~ x No sir.
Q State man? A Yes sir.
Q What was your name in 1880? A (No reply).
Q Did you go by the name of Adair when you were a girl? A Yes sir

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified.

Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay rollof citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 130 #3251 Frances Anderson, Cooweescoowee District.

Q Was your sister Rachel Steel atthe time of the Kerns-Clifton payment? A Yes sir.

Frances Anderson et al 3

Dawes-Mellette roll of citizens of the Cherokee Nation examined and applicants grandchildren identified on
page 197 #3400 Nancy Steel, Coowescoowee District;
page 197 #3402 Mary Steel, Coowescoowee District;
page 197 #3403 Joe Steel, Coowescoowee District;
page 197 #3404 Willie Steel, Coowescoowee District;
page 197 #3405 Myrtle Steel, Coowescoowee District.

Q Now your sister Rachel, who is dead, she is not on the roll of 1896 or 1880 either? A I guess not, she is on the Wallace roll.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's sister, Rachel, and not found.

Q Now your husband, Carl Landrum, he died before 1880 didn'the?
A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for Carl Landrum, and name not found.

Q Do you know why neither you nor your dead sister Rachel are not on the rollof 1880?A I couldn't tell you why.
Q How old was your sister Rachel when she died? A I guess she was 37.
Q Did shecome back with you from Kansas? A Yes sir.
Q You came back at the same time she did? A Yes sir.
Q How oldwas she when she came back from Kansas?A I don't know sir.
Q Did your father die before your mother? A Yes sir.
Q What was Rachel's namebefore she married? A Rachel Adair.
Q Rachel is a good deal younger than you? A Oh yes sir, she was bornbefore the war.
Q Born after the death of your father? A Yes sir.
Q Rachel was not bornbefore the war? A Yes sir.
Q Then you are mistaken about her--well, she has been dead some years?A Yes sir.
Q Who came along with you at the time you came back from Kansas?
A Julia andNancy.
Mr. Mellette: Were they your sisters?A Yes sir.
By Com'r Breckinridge: Q And your step-father? A Yes sir.
Q And your mother? A Yes sir.
Q Now what was the name of Rachel's father? A Martin Adair.
Q Is he dead? A Yes sir.
Q How long has Martin Adair been dead? A I couldn't tell you.
Q Well, was he a slave in the Cherokee Nation when the war came on? A Yes sir.
Q Who was it he belonged to? A Nancy Adair and Red Wattie.
Q Same people you belonged to?A Yes sir.

By Attorney Mellette:

Q Your sister, Julia, returned with you and your father and mother in '66? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who owned her? A Nancy Adair and Wattie Adair.
Q Same one thatowned you?A Yes sir.
Q Is she dead? A Yes sir.
Q Has she any living children? A Yes sir.
Q What are their names? A Abie and Marion, Eva, Ethel, Cretwell and Ruth and Hart.
Q Who is this Nannie Tipps? A She was Nannie Adair too.

Q She is your sister didn't she? A Yes sir.
Q What was her name? A She went by the name of Nancy Adair.
Q You had a sister named Nancy Adair? A Yes sir.
Q And what is her name now? A Nancy Tippe.
Q Who owned her? A Nancy and Watts Adair.
Q They were Cherokee Indians? A Yes sir.
Q Has this Nancy Tippe now any children? A No sir.
Q When you came back to the Cherokee Nation in '66 where did you go, what part of the country did you go to? A On Grand river.
Q And you say you have lived in the Cherokee Nation since that time? A Yes sir.
Q How did your sister, Rachel Steal, live in the Cherokee Nation after that time all the time? A Yes sir.
Q And your sister, Nancy Tippe? A No, not all the time; she went out working, went out to work some of the time.
Q How long would she stay when she would go out to work? A She would stay sometimes six months and sometimes five months.
Q Where was her home all that time? A She lived with Julia sometimes and with myself sometimes and with her sister Rachel sometimes
Q I mean did she call her home the Cherokee Nation? A Yes sir, called her home in the Cherokee Nation.
Q You know anything about Rachel Steel's marriage to her husband? A I couldn,t tell you much about it.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL 1 O'CLOCK, P.M.)

AFTERNOON, 1 O'CLOCK. This case continued, present, as before noon.

Applicant, examined by Cherokee Rep've James Davenport:

Q Where did you go when the war broke out? A Fort Scott.
Q Where were you living with the war broke out? A On the Jim Bell place.
Q Where was that? A Near the mouth of Spavinaw on Grand river.
Q Cherokee Nation? A Yes sir.
Q Who was your owner at that time? A Miss Mary Adair and Dr. Adair.
Q That was Dr. Watt Adair and wife was it? A Yes sir.
Q You know where they went during the war? A He left me right there, I don't know where they went to.
Q Who did you come back with to the Cherokee Nation? A With my husband.
Q Who else? A And my stepfather.
Q Who was your step-father? A Martin Adair, and Polly Adair, my mother.
Q Did you come back before or after the Treaty was made? A I come back in the fall of '66.
Q Was that before or after the Treaty of '66 was made? A I couldn't tell you that.
Q Had you heard anything about the Treaty before you come or after you com? A I heard about it before I come, but I don't know whether it had been made or not.
Q Did they tell you it had been made? A I never heard anyone say.
Q How old were you at that time? A I am pretty near 86 now, you will have to count it.
Q You were early 20 were you at that time? A I reckon, I don,t know sir.
Q When you came back to the Cherokee Nation to what point did you go? A I come to Cabin Creek first.
Q What part of Cabin Creek? A I couldn't tell you what part it

was either.
Q That part of it that is in Kansas or that part of it that is in the Cherokee Nation? A In the Cherokee Nation.
Q You don't know what locality or settlement you went to? A I think it was near Rock Creek.
Q When you got back there who was living near you? A No one.
Q Did you see no one when you first stopped? A Yes sir, Uncle Dave French.
Q He was living there? A He was camped there he was living, but he had no house there.
Q Who else did you see, if any one? A I don't know whether it was the same day or next day that I seen Mr. Webber, I don't remember that. I seen him before I left there.
Q Which Mr. Webber? A Sam Webber.
Q Do you remember whether or not you were above or below where Cabin Creek and Rock Creek come together? A I don't remember that either.
Q Where were you from the old Military Road that crossed Cabin Creek there, from Fort Gibson to Fort Scott? A I don't know, that wasn't far.
Q Were you on the east side or the west side of where the Military road crossed? A It must have been on the east, I don't remember.
Q You know Rock Creek runs into the Cabin before it gets to where the Military road crosses Cabin don't you? A I believe so, I wont be positive.
Q You have been in that country often since the war haven't you? A Often, yes, well not so often either.
Q You have crossed Cabin Creek where the Military road crosses? A I guess I have.
Q Don't you know Rock Creek runs in above that crossing? A I don't remember.
Q You can remember '66 very well? A Well, that's all right.
Q That's all you want to remember, isn't it aunt Frances? A It is some thing we should remember, I think.
Q The time you got back there is some thing you should remember too? A Yes sir.
Q And to what point you came? A Yes sir.
Q What was Webber doing when you saw him? A I think he was going back up North.
Q Where had he come from? A He was here in the Territory.
Q What points in the Territory? A Some where on Cabin Creek.
Q Don't you know that Webber claims to have come back up on Big Creek and not Cabin Creek? A He was there located on Cabin Creek when I met him.
Q Where was he going? A Going north I think.
Q You don't know whether he had been coming towards home or going away from home? A I guess he musthave been going from home.
Q Did he tell you where he wasliving, and if his family was located? A If he did I have forgotten; I didn't talk to him much. We had quite a little talk, he talked more with the old folks than with me.
Q You don't remember what year that was in, of your own knowledge? A Everybody said it was '66.
Q Had Abraham Ward come to this country before you come? A I don't know.
Q Didn't you live up there in Kansas right near Abraham Ward? A Not at that time.
Q Did you know Abraham Ward before you came back to the Cherokee Nation? A Yes sir.
Q Was he here when you came? A I never seen him.
Q After you were down there on Rock Creek and saw Mr. Webber, what

did you do then, where did you go then? A To Grand river.
Q What point on the Grand river? A Near the mouth of Spavinaw on grand river.
Q On which side? A I guess it was on the east side.
Q Where did you cross the Grand river? A It was on this side of the river, I guess.
Q Is the Jim Bell place on this side of the river? A No sir, it is on the other side, as well as I can remember.
Q How long did you stay over there? A I don't know sir, stayed there quite awhile.
Q Where were you when the 1880 roll was made? A I was in the Indian Territory.
Q Did you apply to be enrolled? A No sir.
Q Your sister, Rachel, was she older than you? A Younger.
Q She was born after you returned from Kansas? A She was born in Flint District, Cherokee Nation.
Q Was she bornbefore or after the war? A Before the war.
Q You had other sisters? A Yes sir.
Q Did they come back with you? A Yes sir.
Q How many of them? A Nancy and Rachel and Julia.
Q Did you have anyother of your family? A Mother and father.
Q Nancy and julia are the ones that are dead? A Julia is dead, and Rachelis dead.
Q Isn't Nancy dead too? A No sir.
Q Where is Nancy? A I just showed youher certificate awhile ago.
Q You had lived in other places hadn't you other than Kansas, since you came back? to thiscountry? A I lived in Ottawa, Kansas.
Q Did you ever live in Colorado?A No sir.
Q Never was up there? A I have been there.
Q How long did you stay there? A About two months, andof course I was living.
Q What part of Colorado was you? A Colorado Springs.
Q Did you have your family with you when youwas up there? A No sir.
Q Only stayed two months? A Just about two months.
Q How long did you live in Kansas after the war, A I stayed there until '65, stayed there until, I was married in the year '65 and left there in '66.
Q You were married in Kansas? A Yes sir.
Q Your husband a Freedman or a state man? A Freedman.
Q What was his name? A Carl Landrum.
Q How long have you lived in Arkansas? A I went to Eureka Springs is that in Arkansas?
Q Yes, mam? A I stayed there nine months.
Q That all?AThat's all.
Q Have you ever lived in any other place except Eureka Springs in Arkansas? A No sir.
Q How long have you lived in Oklahoma? A I went there with A.J. Blackwell's wife, and was nursing her, and stayed two orthree months.
Q You got there about the time A.J.Blackwell located the town of Blackwell, Oklahoma? A It was quite a little town when I was there, I went there time they kept arresting him so much, I went there and stayed withhis wife through confinement.
Q Thatwas about the time their girl was born? A Yes sir.
Q Thatwas about 1895? A I don't know.
Q It was in the fall before his girl baby, the only one they have that are girls, was born? A Yes sir.
Q Yousay you went there about the timehe was being arrested so much here? A Yes sir, I think it was in March that I went and I think it was about thefirst or 4th of April when I come back I think, I wont be positive.

Frances Anderson et al ?

Q You didn't stay there but just a little while? A Just rather through confinement.
Q You think it was March you went there? A I must be sure.
Q Was Blackwell at home when you went there? A Yes sir.
Q You stayed there about two years, didn't you? A No sir, I can prove it by those Mcspaddens of any of them.
Q When did you go after you left Oklahoma? A I come back home.
Q Did you ever live in Texas any? A No sir, I don't know what Texas looks like.
Q How long did you stay in the Cherokee nation? A Never was out.
Q Never lived anywhere but Kansas, Colorado, Arkansas, Oklahoma and Indian Territory? A If Eureka Springs is in Arkansas, I stayed there six months, and then come back to the Territory.

By Attorney Mellette:

Q You say you went to Eureka Springs for your health? A Yes sir.
Q You didn't go there to stay? A No sir, I need to go there now, looks likely heart is about to jump out; these men look like they are trying to scare old women to death.

DAVID FRENCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A David French.
Q How old are you? A 72.
Q What is your post-office? A Lenapah.
Q How long have you lived in the Cherokee nation A I come with them from the Old country, from Tennessee.
Q Way back before the war? A Yes sir, in the spring of '39 we got into this country.
Q Were you out of this country a little while during the war?
A Not much, I stayed with the soldiers; the war ketched me at Gibson.
Q Have you lived in this country ever since the war closed? A Yes sir.

Examined by Attorney Mellette:

Q Are you on the authenticated roll of Freedmen citizens of the Cherokee nation? A Yes sir.
Q You know this applicant, Fannie Anderson? A Yes sir.
Q Did you know her mother, Polly Adair? A Yes sir.
Q She had a sister named Julia, who married Montgomery? A Yes sir, I knowed them all.
Q She had another sister, married Steel? A Yes sir, I know her.
Q There is another sister, Nancy Tipps she is now? A Yes sir, I know her.
Q Do you know when these people returned to the Cherokee Nation after the war, did you see them? A I saw them.
Q When did you see them? A It was late in the fall of '66.
Q Where did you see them? A I saw them on Cabin Creek, they was coming south and I was going north.
Q Whereabouts on Cabin Creek? A It was not very far from the ford where it crosses Cabin.
Q What road was that on? A On the military road, going up to Fort Scott.
Q It was the Military road leading from the Indian Territory to Kansas? A Yes sir.
Q You say they were coming south? A Yes sir.
Q Where were you going? A I was going to Neosho Falls.
Q What for? A After my people.

Q Q After your family? A We and my brother was together, we was going after his people and my mother and father.
Q That was in '66? A Yes sir.
Q Have you know n her since that time? A Yes sir.
Q Did you see julia at that time on Cabin too, Julia Montgomery?
Q Yes sir, I saw them all, her father and her step-father and then her and the children.
Q By Com'r Breckinridge: Do you mean her father and step-father?
A Her step-father and, that is Martin Adair.
Q But you didn't see her own father? A No sir, he was dead.
Q Was her mother there? A Yes sir.
Q That's what you mean, hermother and step-father? A Yes sira
Q Mr. Mellette: And Rachel Steel was along? A Yes sir.
Q And the woman called Nancy Tippe now? A Yes sir.
Q Where have these people lived since that time, since you know, in what country? A So far as I know they have been living in here.
Q Cherokee Nation? A Yes sir.

Examined by Cherokee Rep've Davenport:
Q Uncle Dave, how far do they live from you now? A I don't know how far it is from here to Goosenock.
Q You live at Goosenock? A Yes sir.
Q Where do they live? A On the hill here.
Q Where were you living in '66 when you started back to Neosho Falls, Kansas? A No place.
Q Hadn't you located? A No sir.
Q Where didyou start from when you started back to Neosho? A Started below here on Grand river. It was right after thewar, awhile after thewar.
Q Well, you had come back here in '66, to what point had you gone? A Pryor's Creek.
Q What part of Pryor's Creek? A It was up there in the settlement in what is called the Bill Looney settlement.
Q Did you start from the Bill Looney settlement to go back to Kansas? A Yes sir.
Q Where was it you met this woman and her step-father and people? A It was up on Cabin Creek, I told you.
Q Where was it with reference to the Military road? A It was on the Military road; I was traveling up the Military road.
Q Then as stated by the applicant you didn't see them on Rock Creek did you? A
Mr. Mellette: She said near Rock Creek, she thought.
Q Where did you see her? A I told you.
Q Well, where was it? A Close to Cabin Creek.
Q Which side of Cabin Creek was it on you saw her? A On the south side.
Q How far from Cabin Creek? A I don't know exactly how far.
Q What were they doing when yousaw them? A I told you I was camped and they came to me.
Q Who all came to you? A Why I left and I went north and they come down south, said they was coming down to the Locust Grove.
Q That was in '66? A Fall of '66.
Q What time of the year wasit? A I don't know.
Q What month was it? A I couldn't say.
Q What year was it? A It was along in September or October, I wont say which.
Q Youhadn't seen Sam Webber at that time? A I saw Sam Webber somewhere, but I don't know whether he was with me themor not.
Q Was you acquainted with him before thewar? A Yes sir.
Q This September or October that you met these people did you know whether Sam Webber had returned before you met these people
A Sam Webber had returned.

Q Where was he living? A I think he was stopping on Big Creek.
Q Do you know? A I hadn't been over in there, but heeas travelling north too.
Q I want to know if you had seen him up to the time you met these people? A Yes sir.
Q Where did you seehim? A Down on the river.
Q And that was in September or October? A I don't know exactly, I couldn't say for certain, it was in the fall of the year.
Q Was it cold or hot weather? A It wasn't so very cold.
Q Was it a little bit cold? A It was a little cold.
Q When did you next see Sam Webber? A I don't recollect.
Q Did you know Amrahem Ward at thattime? A I don't know.
Q You don't know him do you? A I knowe him now.
Q Had you known him up to the time you met these people? A I couldn't tell you.
Q How long did you stay in Kansas when you went back? A Stayed awhile, until I come on back.
Q You don't know how long itwas? A I don't know how long it was.
Q You don't know whether it was one year or fifty? A I wasn't watching it particular about it.
Q You remember distinctly when you got back? A I do know I get back two or three times.
Q You don't know how long you stayed up there? A I stayed up there aslong as I could get ready to come on back.
Q How many of this woman's family was with them when they come from there? A Her mother and step-father and then a passle of children, and her husband, this woman's husband.
Q She was married then? A Yes sir.
Q You don't know how many children? A I don't know exactly now.
Q You don't know theirnames? A I didn't know what their names were.

SAM WEBBER, beingsworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Sam Webber.
Q How old areyou? A About 58.
Q Whatis your post-office? A Nowata.
Q How long have you lived in the Cherokee nation? A I was born here.
Q Were you out during thewar? A Yes sir, got back here in '66.
Q Youhave lived here eversince? A Yes sir.
Q Are you on the roll of1880? A Yes sir.

By Mr. Mellette:

Q Do you know theapplicant here, Frances Anderson, or Fannie Anderson? A Yes sir.
Q Did youknow her step-father, Martin Adair? A Yes sir.
Q Did youknow her mother, Polly Adair, A Yessir.
Q She had a sister named Julia, did you know her, A Yes sir.
Q What other sisters do youremember except Julia? A Nancy Tipps goes by now, and Rachel.
Q Rachel, what was her name when she died? A Rachel Steel.
Q Do you know when these people came back to the Cherokee Nation after the war? A I saw them over there on Cabin Creek as we was going back to Kansas.
Q When was that? A It was along in the first part of the fall, latter part of the summer, somewhere along there.
Q What year? A '66.

Q Where were you going? A We was going to Kansas.

Q Was that after you had moved your family here?A No sir, I was going after them.
Q What road was it on?A On the military road leading from Fort Scott to Fort Gibson.
Q And over Cabin Creek?A Yes sir.

By Cherokee Rep've Davenport.

Q Where were you living when you started back to Kansas this time you claim to have met these people?A We left our things up north and brought part of them here to Big Creek; brought our plows and things.
Q From whatpoint did you start from back to Kansas when you met these people?A From here on Big Creek.
Q In the neighborhood of where you now reside?A Yes sir.
Q That's what's now known as the Jim Martin neighborhood? A Yessir
Q About 18 or 20 miles northwest of here? A Yes sir.
Q It is nearlt north of here? A Yes sir.
Q You had started to what point in Kansas?A Fort Scott, we went through Fort Scott.
Q You met this womanand her parents on Big Cabin?A Yes sir.
Q What part of Big Cabin was it? A Right at the crossing.
Q At the crossing of what? A Cabin Creek.
Q What is it crosses Cabin Creek there? A The Military road.
Q The Military road that led from Ft. Gibson to Ft. Scott? A Yes sir.
Q That's about 15 or 16 miles directly north-east of here?A I guess it is.
Q And below the mouth of where Rock Creek empties into Big Creek?A Yes sir.
Q You started from your home then on Big Creek, and traveled south-east about35 miles before you started towards Kansas did you? A Always go to the Big road, we didn't know no other way.
Q I will ask you if the Military road to Fort Scott, Kansas, didn't run within 25 miles of your place, and directly east of where you was living when you started? A I guess it was.
Q Then why did you travel more than 35 miles south instead of going east?A Didn't know no other way, that's why.
Q Wasn't there ~~Osages trying~~ an Osage trail that ran from Osage Mission to Fort Scott, Kansas? A We didn't go it if there was.
Q Wasn't there Osages living in that locality where you located when you came down there? A They livedup north of us on Snow creek, and Panther Creek.
Q There was Osages up in there? A Yes sir.
Q The traders come in that locality to trade with them? A I guess so, I never saw them.
Q Didn't you see Nelson Murrell in the fall of 66 peddling flour to them? AndAhaven't you testified to that right here?ANo sir.
Q You didn't know that Nelson Murrell was up in there? A I know he was up in there, but I didn't know about his peddling flour.

By Com'r Breckinridge:
Q You say you live about 15 miles north of here? A Yes sir, I guess about that.
Q What kind of country is it, hilly country? A It's level there, I live over across the river now.
Q I am talking about this place where you lived at the close of the war, is it prairie there?A Yes sir.
Q Was there any road leading from where you lived right straight over to the Military road that went to Fort Scott?A We just made a trail leading to the big road and went out west in there hunting homes, and then just followed the trail back to the road again.

Frances Anderson et al 11

Q There was no leading out road except that one you made? A No sir, that was all we had, the trail we made when we went out in that country.
Q They didn't lay out any roads like they have at the present day? A No sir, none at all not until now, there's roads now.
Q Is it a pretty open prairie country, could you have gone it [illegible] country, it didn't [illegible] A We didn't know nothing about
Q You didn't know what you might have come across? A No sir.

By Cherokee Rep've Davenport:

Q Didn't you cross the Neosho River on the Military road coming to Big Creek to locate when you came back? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and five children in her charge; the applicant is identified on the Kern Clifton roll and not upon the roll of 1880 or upon that of 1896; it appears from the testimony that she was a slave of a Cherokee citizen, and lived in the Cherokee Nation at the beginning of the Civil War; she was carried to the State of Kansas, and the testimony indicates that she came back with her mother and step-father and some others enumerated in the testimony in the autumn of '66; since that time she has been to Oklahoma, Colorado, Eureka Springs Arkansas, and to the State of Kansas; but the testimony does not indicate that her visit to any of these places was of a protracted character, or for any permanent purposes; she went to Colorado for a month on account of her health she made a stay of some nine months at Eureka Springs for her health, and her other visits were perhaps of a lesser duration and for temporary purposes; it appears from the testimony now given that the omission of the applicant from the roll of 1880 was not through any fault of her status, but for the further consideration of her case, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

As fir the five children named in the testimony; they are the children of a deceased sister of the applicant; they are all minors, and are living at this time, and they are identified on the Kern-Clifton roll; their mother is shown to have returned to the Cherokee Nation after the war with the applicant; she died after the roll of 1880 was made, but before the Kern-Clifton roll was made; it appears that she lived in the Cherokee Nation from the time of her return from Kansas in '66 until her death; no serious reason is seen at this time to invalidate the right of these children to enrollment, but at present, in as much as the mother was not placed upon the roll of 1880, they will be placed upon a doubtful card, and the final decision of the Commission will be made known, through the applicant, at her post-office address.

In the course of this testimony the case of one Nancy Tippy, formerly Nancy Adair, a sister of the applicant, has been entered into, and as she is stated to be an efficient woman, and may have to be applied for by one of the children of her deceased sister Julia, who are living in the charge of the woman Nancy, and the status of this woman Julia Montgomery, formerly Adair, now deceased, has also been shown, she, as well as Nancy, being of the same mother and of the same status as respects the Treaty of 1866 as the applicant, as the rights of the children of the woman Julia will depend upon the status of their deceased mother, under the Treaty of 1866, and when

[illegible]

[illegible] testimony will be taken [illegible]

[illegible]

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript [illegible]

M. D. Green

Subscribed and sworn to before me this June 19, 1901.

(signed) C. A. Breckinridge,
Commissioner.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that same is a true and complete copy of the original transcript

M. D. Green

Subscribed and sworn to before me this August 17, 1901.

Commissioner.

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COMM

FILED
APR 14 1902

To be filed with S. F. [illegible]

[illegible] of the Interior,
[illegible] to the Five Civilized Tribes,
Muskogee, I. T., April 14, 1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee freedmen.

SUPPLEMENTAL TO [illegible].

Applicant represented by Mollette & Smith, Tahlequah, I.T.
Cherokee Nation represented by W. T. Hastings.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said attorneys for applicant, Mollette & Smith, that it would, on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee freedmen.

The applicant and her attorneys have this day, to wit the 11th day of April, 1902, been called and fail to appear either in person or by attorney.

MRS. E. N. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS. What is your name? A I sign my name Mrs. E. N. Walker, E. N. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the Adairs who now goes by the name of Frances Anderson? A Yes, sir, I knew her from a child, from a baby.
Did you know her mother? A Yes, sir.
Q What was her Mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up? A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Dr. Adair.
Q Your sister? A My sister; when she married mother gave her this girl.
Q She was the property then of your sister at the time the war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1862.
Q Well, but I mean were you here after the war, '66 and '7 and '8? A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war where did you first see this applicant, if at all, Frances Anderson? A About the year 1880.
Q About the year '80? A Yes, sir. I saw her at the Vinita Fair, as well as I can recollect, about the year '80.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q Well, what did she say with reference to her residence? A Well, she hadn't settled yet, and she had come from Kansas, she hadn't been

very long, she didn't say whether she had come in, when she got here in or anything, she just said she hadn't been here long.
Q Did she make any inquiry about—? A She was inquiring about the folks.
Q About the folks? A Yes, sir.
Q Did you know whether she was married at that time? A Yes, sir.
Q You don't know where she married, do you? A No, sir, I suppose she married in Kansas.
Q She hasn't yet got any home? A No, sir.
Q She hasn't settled down? A No, sir.
Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.
Q Now that was the first time you had seen her after the war?
A Yes, sir, that was the first time.
Q Did she know where any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.
Q Did you ever see her after that? A Yes, sir.
Q There? A She stayed all night at our house.
Q At your house? A Yes, sir.
Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going on to see Mont.
Q Mont Adair? A Yes, sir.
Q What relation was he to you? A Well, he is my brother.
Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.
Q That was after you had seen her up at Vinita? A Yes, sir.
Q Well, did she at any time claim to you that she had come back here in '66? A No, sir.

COMMISSION: Now, this Frances Anderson belonged to your sister at the close of the war or at the outbreak of the war? A Yes, sir.
Q Your sister was a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know whether or not Frances Anderson left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.
Q Did she go up there with your people? A No, sir.
Q She went up there alone? A She went up with her mother and her other relatives, they were on my place there at Parkhill when they all left.
Q Now what time did she go up there, that is what time during the war, do you know; what year was it in? A It was '62.
Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.
Q You had never saw her in Fort Gibson? A No, sir.
Q You don't know where she lived of your own knowledge? A No, sir.
Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.
Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-687, D-689, and D-900.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur H. Kessinger

Subscribed and sworn to before me this 13th day of April, 1902.

Robert Franklin Rucker

Notary Public

FILED

To be filed with C. P. [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee freedmen.

SUPPLEMENTAL TO D- 77.

Applicant represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said attorneys for applicant, Mellette & Smith, that it would, on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee freedmen.

The applicant and her attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

MRS. E. N. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I sign my name Mrs. E. N. Walker, E. N. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the Adairs who now goes by the name of Frances Anderson? A Yes, sir, I knew her from a child, from a baby.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up? A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Dr. Adair.
Q Your sister? A My sister: when she married mother gave her this girl.
Q She was the property then of your sister at the time the war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1862.
Q Well, but I mean were you here after the war, '66 and '7 and '8? A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war where did you first see this applicant, if at all, Frances Anderson? A About the year 1880.
Q About the year '80? A Yes, sir. I saw her at the Vinita Fair, as well as I can recollect, about the year '80.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q Well, what did she say with reference to her residence? A Well, she hadn't settled yet, and she had come from Kansas, she hadn't been

here very long, she didn't say whether she had come in, when she had come in or anything, she just said she hadn't been here long.
Q Did she make any inquiry about—? A She was inquiring about the folks.
Q About the folks? A Yes, sir.
Q Did you know whether she was married at that time? A Yes, sir.
Q You don't know where she married, do you? A No, sir, I supposed she married in Kansas.
Q She hadn't yet got any home? A No, sir.
Q She hasn't settled down? A No, sir.
Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.
Q Now that was the first time you had seen her after the war?
A Yes, sir, that was the first time.
Q Did she know there any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.
Q Did you ever see her after that? A Yes, sir.
Q Where? A She stayed all night at our house.
Q At your house? A Yes, sir.
Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going on to see Mont.
Q Mont Adair? A Yes, sir.
Q What relation was he to you? A Well, he is my brother.
Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.
Q That was after you had seen her up at Vinita? A Yes, sir.
Q Well, did she at any time claim to you that she came back here in '66? A No, sir.
COMMISSION: Now, this Frances Anderson belonged to your sister at the close of the war or at the outbreak of the war? A Yes, sir.
Q Your sister was a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know whether or not Frances Anderson left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.
Q Did she go up there with your people? A No, sir.
Q She went up there alone? A She went up with her mother and her other relatives, they were on my place there at Parkhill when they all left.
Q Now what time did she go up there, that is what time during the war, do you know; what year was it in? A It was '62.
Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.
Q You had never saw her in Fort Gibson? A No, sir.
Q You don't know where she lived of your own knowledge? A No, sir.
Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.
Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-687, D-689, and D-900.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

period the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Arthur G. Sennniger

Subscribed and sworn to before me this 15th day of April, 1902.

[illegible]

Notary Public.

F. 1. 59

F.R. 126 To be filed with F.R. case

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 18, 1904.

In the matter of the application of Mary Harris and others for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO 1-126.

APPEARANCES:
Millette & Smith for applicants.
T.M. Hastings for Cherokee Nation.

HARRY M. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry M. Kelley.
Q What is your postoffice? A Fort Smith.
Q How long have you lived at Fort Smith? A 15 years last January.
Q Where did you move from when you moved to Fort Smith? A Coffey County, Kansas.
Q What was your postoffice? A Burlington the last few years I lived there, but I was born at Ottumwa, Kansas, and lived there until I was about 18 years old.
Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.
Q Did you know a colored man up there by the name of John Curry? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Charlotte.
Q How early do you remember of knowing them? A As early as 1868, I think as early as 1866.
Q Did you know of them in 1863? A I can't quite fix the year that they came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip for Ohio, and was driven to the railroad station about fifty miles away by the old Martin Bowlin, sometimes called Martin Adair, whowas the husband of John Curry's mother.
Q What was her name? A Polly, they also lived on our farm.
Q Well John lived there at the same time? A John lived there from 1863 until 1872 or '3.
Q Then where did he move? A Then he homesteaded a piece of land about two miles from our house.
MR. SMITH: I object to the testimony with regard to the homesteading, not being the best evidence.
COMMISSION: Objection will be noted: proceed.
WITNESS: And moved onto that land and lived there until after Charlotte died.
Q About when did she died, that is his wife? A Yes, his wife, she died about 1884.
Q Was she buried there or do you know? A Yes, sir, she was buried there.
Q What became of him afterwards? A I saw him around there for a year or two afterwards, and then I heard he was dead; I don't know it personally, anything about his death.
Q Do you know whether this John Curry was ever in trouble up there prior to 1868? A Yes, sir.
Q When was that? A Killed a man in our county there about 1856.
Q Did John and Charlotte have any children? A Yes, sir.
Q Do you remember any of their names? A Mary and Teenie and Joe and Harrison, and another one, I can't recall the name of the other one
Q They were all born there, were they? A No, Mary wasn't born there they had her the first I can recollect.
Q You don't know where she was born? A Don't know where she was born, but the others were born there.

Q Well, [illegible] Polly [illegible] what she also known by? A Polly Boulin, they were commonly called there, sometimes they called them Adair.
Q Did you say she married a man by the name of Martin Boulin? A No, they were married when I came there.
Q Well, lived with a man up there by the name of Martin? A Yes, sir that was her husband then.
Q He went by the name of Martin Boulin? A Yes, sir, Martin Boulin.
Q And you knew them in '68? A Yes, sir, first recollection I have of Martin and Polly and their family was moving them out of the bottom time of the flood in [illegible] they were clearing land for my father and the overflow came, [illegible] moved up to the house out of the flood.
Q Well did Polly, who was the mother of John, have any children that you know of? A Yes, sir.
Q Besides John I mean? A Yes, sir.
Q Name them? A Well she had one who used to come there occasionally, named Frances.
Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.
Q Well do you know who Rachel Married? A Married a darkey named Harry Steele.
Q Do you know who Frances married? A No, sir.
Q Do you know his name at all, I mean his surname? A No, I do not.
Q Do you know who Julia married? A No, I perhaps have heard but I can't recall now.
Q Well now how long did you continue to know this family up there, I believe we have traced John Curry and his wife; but I mean John's mother Polly, and Rachel and the rest of this family that you have mentioned? A Polly and Martin lived on our place until Polly died.
Q About when? A Polly died between '69 and '71, I remember being there when I came home from Ohio in the fall of '68.
Q They were there then? A Yes, sir, and she died before I went to Ohio to school in the fall of '71.
Q So it's between those times? A Between those times. Martin went away after her death for a time, and came back there, and died on our farm, and was buried there, and he died about '74.
Q What is your occupation Mr. Kelley. A I am in the real estate and loan business.
Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.
Q Do you know whether this Polly Boulin was also known as Polly Adair A Yes, sir.
Q You know that shewas the mother of John Curry? A Well, she said she was, and it was generally said she was.

Q Wellrecognized? A Yes, sir, the recognized mother; they all came there together.
Q And she's the recognized mother of Frances Anderson and Rachel Steele? A Well I don't know about Frances Anderson, I know Frances
Q And Rachel? A And Rachel and Julia and Nancy.
MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know what her name is? A I never know of her as Frances Anderson, no.
Q Well you speak of her coming there from time to time; do you know of your own personal knowledge where she lived? A No, sir, I don't, she just came to visit; these Currys lived right in our ~~xxxx~~ yard or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house.
Q And you can't say positively that you knew the Currys before '68? A I have no distinct recollection of the Currys before that I can place, before '68.
Q Yes. A Although I have understood that they came there all together, the whole bunch.
Q Well I move to strike that because that's what the witness understood and not what he knew.

[illegible] will be noted, and the testimony will be considered for all it is worth.

Q. Smith, did you fix up your personal knowledge and you can't fix that here before '64? A I can't fix the dates there before I am six years.

Q Tell now where is the first personal knowledge of them, was on your place? A No, sir, it wasn't.

A You speak of moving somebody up out of the bottom, who was that?

Q Old Martin had his family.

Q Who was Martin's wife referred to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was your stepfather? A Yes, sir.

Q Well now you speak of somebody killing a man, now who was that?

A John Curry.

Q Well was that your personal knowledge or a matter of hearsay?

A Well I didn't see the killing done, I knew of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '65. I can't give you the date, no.

Q Do you know exactly or it was that he killed the man? A To the best of my recollection was in the late spring of '64.

Q You say he was indicted and tried? A He was tried; I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried?

A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Currys? A I knew, I remember when their mother died, and considerable of John after she died, as near as I can fix the date she died in '64.

Q 64? A '64.

Q What time did you make your visit to Ohio before you went to school?

A In '66.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there?

A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what years? A He was elected in '66.

COMMISSION: This testimony will be filed herein and made a part of the record in the following Creek cases: [illegible], D-[illegible], D-[illegible], D.532, and in D 528, the same as [illegible].

MR. HASTINGS: [illegible] that this testimony be filed in the case of Thomas Anderson [illegible], and in the [illegible] thereto as follows: [illegible] and [illegible].

MR. SMITH: The counsel for [illegible] Anderson and others [illegible] herewith and of the same nature [illegible] in the filing in these [illegible] of the testimony of the witness [illegible] Kelley, for the reason that it does not appear from said [illegible] that [illegible] shown by him is identical with the [illegible]

MR. HASTINGS: The Cherokee Nation objects that this testimony is irrelevant, and that the Frances mentioned by witness R.H. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Carry and the testimony further shows that her mother's name was Polly Keair, but the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony, and the applicant Frances Anderson claims to have intermarried in the Cherokee Nation with her mother Polly and her step father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY R. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, did you know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After the death of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about '75, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-t-e-e-l-e.

Q How many children did you say they had? A There was several, I don't recall how many, several children I think of them born there on the place.

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Arthur G. Crongnger, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of May, 1902.

P.G. Reuter,
Notary Public.

(SEAL)

C. L. Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C. L. Mielenz

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter
Notary Public.

( C O P Y )

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES, A.P.No.

In the matter of the application for the enrollment of Jack Starr, et al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Jack Starr, | Cherokee Freedman | D | 443. |
| Charley Starr, | " " | D | 444. |
| Peggie Grimmett, | " " | D | 930. |
| Lizzie Starr, | " " | D | 620. |
| Eddie Starr | " " | D | 904. |
| Elijah Starr, et al., | " " | D | 900. |
| Thelia Jones, | " " | D | 1063. |
| Frances Anderson, et al., | " " | D | 627. |
| Claude Steele, | " " | D | 627. |
| Abbie E. Williams, et al., | " " | D | 649. |
| Cornelia Martin, | " " | D | 534. |

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Georgia Starr, for, among others, her husband, Jack Starr; by Hannah Starr for, among others, her husband, Charley Starr. The others included in said applications have been otherwise disposed of , and their rights to enrollment as Cherokee freedmen will not be considered in this decision. By Henderson Grimmett for his wife, Peggie Grimmett; by Lizzie Starr for herself; by Eddie Starr for himself ; by Elijah Starr for himself and wife, Morning (Mona) Starr, and their minor child, Charlotte Starr; by Lycurgus K. Jones for his minor child, Thelia Jones; by Frances Anderson for herself and minor nieces, Roxie, Mary , Willie and Myrtle Steele, and her minor nephew, Joe Steele; by Claude Steele for herself; by Abbie E. Williams for herself and

minor child, Dorothy L. Williams, and minor brothers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Mart Montgomery, thereafter, on June 14, 1902, there was filed with the Commission an affidavit showing the birth, on August 3, 1901, of Major L. Williams, son of the applicant, Abbie E. Williams; and by Cornelia Martin for herself.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants Jack and Charley Starr and Frances Anderson, claim the right to enrollment as Cherokee Freedmen by virtue of their compliance with the provisions of Article IV of the Treaty of 1866, and that all the other applicants herein claim the right to Cherokee freedmen citizenship as follows: Peggie Grimmett, Lizzie, Eddie, Elijah and Charlotte Starr and Thelia Jones, as descendants of the applicant Jack Starr and one Charlotte Starr, deceased; Morning (Mena) and Charlotte Starr, Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, as descendants of one Rachel Steele, nee Adair, deceased; Abbie E., Dorothy R. and Major L. Williams, Marion, Eva, Ethel, Cretwell, Ruth and Mart Montgomery, as descendants of Julia Montgomery, nee Adair, deceased; and Cornelia Martin as a descendant of John and Charlotte Curry, both deceased. It is alleged that all of said dead ancestors enumerated in this paragraph, complied with the said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Jack and Charley Starr, and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the commencement of the rebellion, and were taken from the Cherokee Nation during said rebellion. And that all the applicants herein except the three last above named, were born since the commencement of the said rebellion.

(2) That the applicants Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, nee Starr, now deceased, are children of the said applicant, Jack Starr, and Charlotte Starr, deceased.

(3) That the applicants Morning (Mena) Starr and Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, are children of the said Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants Abbie E. Williams and Marion, Eva, Ethel, Cretwell, Ruth and Mart Montgomery, are children of the said Julia Montgomery, deceased,

and one Henry Montgomery, a non-citizen of the Cherokee Nation; that the applicant Cornelia Martin, is a daughter of the said John and Charlotte Curry, both deceased, and that the minor applicant, Charlotte Starr, is a child of the said applicants, Elijah and Morning (Mona) Starr; that the applicant Thelia Jones, is a child of the said Mattie Jones, nee Starr, deceased, and one Lycurgus K. Jones, a non-citizen of the Cherokee Nation; and that the minor applicants, Dorothy B. and Major L. Williams, are children of the said applicant, Abbie E. Williams and one Jesse D. Williams, a non-citizen of the Cherokee Nation.

(4) That none of the applicants herein possess any rights to enrollment as Cherokee citizens other than as above indicated, and that none of said applicants nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is therefore considered that in order to properly adjudicate these applicants' rights to Cherokee freedman citizenship, as of September 1, 1902, the primary questions presented for determination are:

Did Jack and Charley Starr and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, or either of them, return to the Cherokee Nation after the rebellion, and become domiciled citizens thereof, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation?

JACK STARR, applicant, appeared before the Commission on May 31, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 66 years old, and my postoffice is Centralia. My first wife was named Charlotte Starr, nee Whitmire. She died about twenty years ago. I have lived in the Cherokee Nation ever since I can recollect. During the war I engaged as teamster with the First Indian Regiment, and went north to Kansas with it. We stayed for a while about twelve miles this side of Fort Scott and from there went to the Arkansas-Missouri line, and later returned to Fort Gibson where we disbanded at the close of the rebellion in 1865. The following October I went up in Kansas where

my wife was, and worked "around Fort Scott for a while till I got myself a plug of a team and came back to the Nation here". I brought my wife and children with me and we reached the Cherokee Nation and located on Big Creek, Coowescoowee District, "about the first of September or last of August" 1866, and I have since continuously lived on the same place. I returned to this country with Dave Mayes, Sam and Jesse Whitmire, Berry Ward and Caesar Smith. Aaron Wright (Whitmire), Lewis Wright (Whitmire), Mike Sanders, Sam Webber and Harry Still , with their families, were living there on Big Creek when we arrived. These people, except Harry Still, had houses built, and all had in small patches of corn when we reached the Cherokee Nation. I did not get on the '80 Roll simply because the Cherokees would not put me on.

SAM WEBBER, in behalf of applicant, appeared before the Commission on June 6, 1901, at Chelsea, Indian Territory, and testified as follows: I am 38 years old and my postoffice is Nowata. I know Jack Starr. He came to the Cherokee Nation after the rebellion in the fall of '66, just a few days after we moved, and settled there by us, where he has since continuously lived. I don't know why he did not get on the '80 roll. I had no corn patch when he arrived, and did not have one till the next year, 1867. I first came to the Cherokee Nation, after the rebellion, in July, '66, and went back and moved down that fall. Uncle Dave Mayes, Santa Ann Nivens and Caesar Smith, came here with Jack Starr, when he moved here in '66. I have seen Jack Starr vote in the Cherokee Nation, but he has always been a disputed citizen. Quite a number of disputed citizens have farms up in the Big Creek country . I am on the 1880 roll as an adopted colored.

LEWIS WHITMIRE, in behalf of applicant, same date and place, testified as follows: I am about 62 years old, my postoffice is Hayden, and I have lived in the Cherokee Nation all my life. I know the applicant Jack Starr, and think I know when he returned to the Cherokee Nation after the war. I first saw him when he moved on Big Creek in the fall of '66, and to the best of my knowledge he has ever since lived there. I don't know why he is not on the '80 roll. I know he has always been a disputed citizen. I know he came here in '66 because every body said it was '66. I don't know what year the Wallace roll was made. I am on the '80 roll but don't know what year that was. I think the Kern-Clifton roll was made in 1896. I have never before testified at any time for Jack Starr when he was trying to get on the roll, but have always known as much about his citizenship as I do now. I proved my rights to Cherokee citizenship before the Chambers Court in 1878 . I do not know whether Jack Starr ever went before that Court to prove his citizenship or not.

JACK STARR, applicant, recalled, testified: I went before the Daniels Court for the purpose of proving my rights to citizenship but "they laughed at me and said for me to go home and go to work". I did not go before the Chambers Court.

MOSES WHITMIRE, in behalf of applicants, same date and place, testified as follows: I am about 75 years old. My postoffice is Hayden, and I have lived in the Cherokee Nation all my life. I am on the roll of 1880. Jack Starr, Sam Webber and myself, among others, went before the Daniels Court to prove our rights to Cherokee citizenship, but they would have nothing to do with us. I am related to Joshua Whitmire but don't know what Court admitted him. I don't remember whether or not Johnson Webber was along when we went before the Daniels Court. I was admitted to citizenship by the Chambers Court. (Docket of Doubtful cases for Citizenship tried in 1871", which was the Daniels Court, said Docket being in the possession of this office, shows that the Daniels Court decided that Sam Webber and family and Johnson Webber and family, were entitled to Cherokee freedman citizenship).

HARRY STEEL, in behalf of applicants, appeared before the Commission on June 24, 1901, at Nowata, Indian Territory, and testified as follows: I am 54 years old, my postoffice is Hayden, and I am a recognized citizen of the Cherokee Nation. I know Jack Starr and his son Charley Starr. I first saw Jack Starr, after the rebellion, on Big Creek, Cherokee Nation, in November, 1866.

CHARLEY STARR, applicant, appeared before the Commission on June 24, 1901, at Nowata, Indian Territory, and testified as follows: I was born in '61 and my postoffice is Wimer, Coweseescowee District. My father is named Jack Starr, and my mother, now deceased, was named Charlotte Hayes. I was born in the Cherokee Nation and have lived on Big Creek ever since I can recollect. I have never been in Kansas that I know of.

ELIJAH STARR, applicant, appeared before the Commission on June 27, 1901, at Nowata, Indian Territory, and testified as follows: I am 24 years old and my postoffice is Centralia, Coweseescowee District. My wife is named Morning Starr. She is about 23 years old and is a daughter of Harry and Rachel Steele, deceased. We have lived in the Cherokee Nation all our lives.

LIZZIE STARR, applicant, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 28 years old, my postoffice is Ruby, Coweseescowee District. I was born and raised in the Cherokee Nation.

LEWIS WHITMIRE, in behalf of this applicant, same date and place, testified that he had known her since birth, and that she had lived in the Cherokee Nation all her life.

SAM VERNER, in behalf of this applicant, same date and place, corroborated Lewis Whitmire's testimony and further testified that her father and mother, Jack and Charlotte Starr, left the Cherokee Nation during the rebellion and returned thereto a few days behind him, and that he (Sam Verner) "got back in the first part of April '66". Also that Jack Starr on his return to the Cherokee Nation preceded Abraham Ward "not quite two months". (In C.T.D. 607-mar 8 1898- the Commission to the Five Civilized Tribes found that the said Abraham Ward did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, the evidence in said case indicating that he was living in Kansas as late as the fall of 1869, and its said decision was duly affirmed by the Department).

EDDIE STARR, applicant, appeared before the Commission on June 27, 1901, at Nowata, Indian Territory, and testified as follows: I am 26 years old and my postoffice is Centralia, Coowescoowee District. I was born on Big Creek, and have lived in the Cherokee Nation all my life.

NATHANIEL GRIMMETT, in behalf of applicant, Peggie Grimmett, appeared before the Commission on June 28, 1901, at Nowata, Indian Territory, and testified as follows: I am 27 years old, and my postoffice is Ruby, Coowescoowee District. I apply for the enrollment of my wife, Peggie Grimmett, who is about 18 years old. I have known my wife since she was a small girl, and so far as I know she has lived in the Cherokee Nation all her life.

LYCURGUS K. JONES, in behalf of the applicant Thella Jones, appeared before the Commission on October 14, 1901, at Vinita, Indian Territory, and testified as follows: I am about 35 years old, my postoffice is Centralia, Coowescoowee District. I apply for the enrollment of my daughter, Thella Jones, age ten years. Her mother's name was Mattie Jones, and, if living, she would be about 32 years old.

FRANCES ANDERSON, applicant, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified as follows: I am 56 years old and my postoffice is Chelsea, Coowescoowee District. The children included in my application are those of my deceased sister. We returned from Kansas to the Cherokee Nation, after the rebellion "along about September or October 1866", and since our return I have made by home in the Cherokee Nation. Since my return in '66 I have been out "to Oklahoma nursing, and then I went to Colorado on some business, and then I went to Eureka Springs (Arkansas) for the benefit of the waters". I have also been back to Kansas. My father was named Joe Curry, he died when I was small. My mother was named

Polly Adair, she has been dead a long time. My first husband was named Carl Landrum, we were married in Kansas in 1868, and he is now dead. Rachel Steele, the mother of the children for whom I apply, was my half-sister, we had the same mother. Her father was named Martin Adair. He has been dead a long time. My stepfather and mother, Martin and Polly Adair, and my half-sisters, Rachel, Julia and Nancy Adair, and myself, composed a crowd that returned from Kansas to the Cherokee Nation in 1866. Upon our return we first went to Cabin Creek, I do not know what part, but think it was near Rock Creek. Uncle Dave French was camped near us, and the day we arrived or the next day, we met Mr. Sam Webber not far from where the old military road crosses Cabin Creek. I think he was then located in the Cherokee Nation, and was on his way back north. We went from Rock Creek to Grand River, near the mouth of Spavinaw, and stayed there quite a while.

DAVID FRENCH, in behalf of applicants, Frances Anderson et al., same date and place, testified as follows: I am 72 years old, my postoffice is Lenapah. I moved from Tennessee to the Cherokee Nation in the spring of '39, and have continuously lived in the Cherokee Nation since the war closed. I knew the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and sisters, Julia, Nancy and Rachel Adair. Julia married a Montgomery; Rachel married a Steele, and Nancy is now named Tipps. I first saw this family in the Cherokee Nation after the rebellion, "late in the fall of '66". I and my brother were on our way from a point on Pryor Creek to Neosho Falls, Kansas, after our people, and met them on the military road near where it crosses Cabin Creek. Frances Anderson's husband was also a member of this party. I was not located in the Cherokee Nation at that time.

SAM WEBBER, in behalf of the applicants, Frances Anderson, et al., same date and place, testified as follows: I am about 80 years old, my postoffice is Nowata. I was born in the Cherokee Nation, and have continuously lived here since '66. I knew the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and her sisters, Julia, Nancy and Rachel Adair. I saw these people on the military road near Cabin Creek, along late in the summer or early part of the fall of '66, as we were going to Kansas after our families. We had started on this trip to Kansas from a point on Big Creek in the neighborhood of where I now reside. The neighborhood of which I speak is about fifteen or twenty miles a little west of north of here (Chelsea). We met this party where the military road from Fort Gibson to Fort Scott crosses Cabin Creek, about fifteen or twenty miles northeast (southeast) from here, and about thirty-five miles southeast from the point we started from on Big Creek. The military road run due east from where we lived on Big Creek, but we knew no other way to get to it, and then on to Kansas, than the way I have described. In coming to this country we had made a trail from the military road to where we located on Big Creek,

and upon our return to Kansas we followed the trail back to the big road.

FRANCES ANNE[illegible], applicant, appeared before the Commission on September 22, 1903, at Vinita, Indian Territory, and testified as follows: I am about 58 years old and my postoffice is Chelsea. John Adair (or Curry) and Uncle Lew Martin and others that I cannot now remember, were along when we returned to the Cherokee Nation in 1866. "I know Uncle Dave French, but they was ahead of us a day or two, and Uncle Sam Webber, and really if I was just to try I couldn't tell you all of them". We first came to Rock Creek, and found Uncle Dave French living there and I think the Lynch's also lived in that neighborhood, but not right on Rock Creek. I had a brother named John Curry, he died at Wichita, Kansas, but I do not know what year. I don't know what year this is, and don't know what year the Kern-Clifton roll was made, I only know the years when I am told them. My mother, Polly Adair, died and was buried in the bottom, close to Grand River, near the mouth of Spavinaw. I don't know on whose place it is now, but think it belonged to the Cherokee Nation at that time. My father died at the same place, and they both died of the smallpox. I don't know what year they died, nor how long after the war it was. I don't know a young man by the name of Harry R. Kelly, and never saw him at Ottumwa, Kansas. My father and mother never lived on the Kelly farm in Kansas, and my mother is not buried at Ottumwa, Kansas. Uncle Sandy Bean, Tobe Bean and Arthur Bean lived in our neighborhood when my father and mother died, and if given time I can bring witnesses to prove that they died and are buried as I have testified. I never was in, saw, nor heard tell of Ottumwa, Kansas, in my life. We did come throughu Burlington, Kansas, on our way from Fort Scott to the Cherokee Nation . ( Burlington, Kansas, is twenty-five miles north and fifty-five miles west,- due northwest- from Fort Scott, Kansas. The point in the Cherokee Nation where this applicant claims to have located is twenty-two miles west and ninety-seven miles south from Fort Scott, Kansas, and in 1866 the military road between Fort Scott and Fort Gibson, Indian Territory, ran due south from Fort Scott to the Kansas-Indian Territory line, and then in a southwesterly direction to the immediate vicinity in which said applicant claims to have lived after her return in 1866). The winter of '66 we lived on Grand River, near the mouth of Spavinaw. Uncle Sandy Bean, Al and Crap Lynch were our neighbors the first winter we were here. We lived about a quarter of a mile from Uncle Sandy Bean, and after my mother's death I lived right in the house with Uncle Sandy. My sister Rachel got acquainted with Harry Steele on Grand River, in the Nation. He came down there and took her away and later they returned. They afterwards kept house on Big Creek. I saw Cherokee citizens in that part

of the country come in a while, but do not know the names of any that lived near our place. I have been living at Chelsea about twenty years. I was married the first time at Washington Adair's, that was before the war. My husband, Carl Lendrum came back with me after the rebellion and later died at Ottawa, Kansas, not a great while after the war. All my mother's children except me, lived with her after our return to the Cherokee Nation, until she died. My sister Rachel's oldest child, Fannie, must be about 25 years old now. (The records of this office fail to show that application has ever been made for the enrollment of Fannie). My mother and father died when every body was having the smallpox. (about 1862 or 1863). Rachel was not married when our mother died. My mother and father did not die, nor were they buried, at Ottawa, Kansas. I do not know whose place my mother is buried on, she is not buried in a grave-yard. "Q. According to the schedule of the ages of these three children, Roxie was born in 1862, during the year of the smallpox, and Rachel Steele, her mother, must have had three children prior to that time, but you say that her mother died down here in the Cherokee Nation, and that Rachel was living with her, and single and unmarried, how do you account for that?--Ans. I don't know, but she was."

MRS. E. N. WALKER, in behalf of Cherokee Nation, appeared before the Commission on April 11, 1902, at Muskogee, Indian Territory, and testified as follows: I will be 77 years old my next birthday, I am a Cherokee by blood and my postoffice is Fort Gibson, Indian Territory. I have known the applicant, Frances Anderson, since she was a baby, also know her mother, Polly. At the commencement of the rebellion Frances belonged to my sister, Dr. Adair's wife, and Polly belonged to my mother. I left the Cherokee Nation in 1862 and returned in 1866, and have been living here ever since. I first saw the aplicant, Frances Anderson, "about the year 1880" at the Vinita fair. She inquired about the folks, and said "she had not settled yet", that "she had come from Kansas", and "had not been here very long". "She did not say when she had come in, nor anything, she just said she had not been here very long".

CLAUDE STEELE, applicant, appeared before the Commission on June 11, 1901, at Chelsea, Indian Territory, and testified as follows: I am 21 years old, and my postoffice is Chelsea, I was born on Big Creek, and have lived in the Cherokee Nation since birth. All my brothers and sisters were born on Big Creek.

ABBIE EMMA WILLIAMS, applicant, same date and place, testified as follows: I am 18 years old, and my postoffice is Chelsea, Cooweescoowee District, Cherokee Nation. I have lived in the Cherokee Nation "all my life most high, except when I was out at school" at St. Paul, Kansas,--"six months one time, ten months another".

CORNELIA MARTIN, applicant, appeared before the Commission on June 8, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 20 years old, and at present my postoffice is Vinita. My father was named John Curry, or John Adair, and my mother was named Charlotte Vann. My father and mother have been dead about eighteen years. I am full sister to Mary Harris, Stella Martin and Harrison Curry. I was born on Grand River, as I am told, and lived there till my mother died. I have never been recognized as a citizen of the Cherokee Nation, am not on the Cherokee rolls, and have never drawn any money from said Nation.

The following testimony was taken in re application of Mary Harris, et al., for enrollment as Cherokee Freedmen, case No. D 528, and was ordered filed in re application of Cornelia Martin et al., supra.

MARY HARRIS, applicant (in C.F.D. 528), appeared before the Commission on June 8, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 33 years old, my postoffice is Vinita, and I live in Coweescoowee District. My father and mother's slave names were John Adair and Charlotte Vann, but I always knew them as John and Charlotte Curry. I was born in the Cherokee Nation, and have lived at Vinita the last twelve years. Prior to that time I lived for a while on Grand River and Panther Creek. I am a sister of Joe and Harrison Curry and Cornelia and Stella Martin. I also have, or had, a sister named Emma Williams "that we don't know of being dead". (Six days later the said Emma Williams applied for enrollment as a Cherokee freedman, before the Commission at Chelsea, Indian Territory, and testified that Chelsea was her postoffice, and that she had lived in the Cherokee Nation since birth). I am the oldest child in our family, and when I can first remember I was living on Grand River, and continuously lived in the Cherokee Nation till about eighteen years ago when "I went to my grandmother's in Kansas, Anderson County, near Garnett." My mother died of smallpox on Grand River about eighteen years ago. From my earliest recollection till I was about seventeen we lived on Grand River, I think. Our nearest neighbors during that time, were Art Williams and Millie Frye. I think a man named Buffington also lived near us, but don't remember of any one living in that vicinity by the name of Watt West. I came to Vinita from Panther Creek, where I had lived a year or two. I moved to Panther Creek from Wichita, Kansas. My husband's name is Nelson Harris. We were married at Kingman, Kansas. My husband has been living in Kansas, but I have not lived there since we were married. My children were all born in the Cherokee Nation, and were brought up by my aunt, Frances Anderson. I do not know that my father and mother did much of anything when we lived on Lynch's Prairie (Grand River). My mother lived with her grandmother, "Granny Charlotte". If my mother's grandmother had any other name I never heard of it.

WILLIE VANN, in behalf of Mary Harris, same date and place, testified as follows: I am 64 years old, and my postoffice is Vinita. I live on Grand River, and have known the applicant Mary Harris since she was a small girl. I also know her father and mother, John and Charlotte Curry. They were taken out of the Cherokee Nation during the rebellion, and I first saw them in the Cherokee Nation after the rebellion, about eighteen years ago-- "the year we had the smallpox" (1883) . "They just came out on the river to see their grandfather. Charlotte came thereat to see old man Adams, and they quarantined them in there, and her(Charlotte's ) father and mother died with the smallpox and her grandfather and grandmother died, and just left the children there alone; that is all I know about it."

JOHN KERSH, in behalf of Mary Harris, same date and place, testified as follows: I am about 59 or 60 years old, I live in Cooweescoowee District and my postoffice is Coffeyville. I know John Curry, father of Mary Harris. I first met him during the war, on Wolf Creek, Cherokee Nation, and next saw him on the old John Alberty place on Pryor Creek, when he stayed all night with us, during the summer or fall of 1866. I have never seen him since.

FRED MARTIN, in behalf of Mary Harris, same date and place, testified as follows: I am 43 years old, and my postoffice is Spavinaw. I know the applicant, Mary Harris. I first saw her father just after Christmas in the winter of '66, when "he stayed two or three days at my house, we were living on the John McNair place." He at that time said he was going to Fort Gibson. I never saw him again. I guess I was eight years old in '66.

ROBERT BOWEN, in behalf of Cherokee Nation (Mary Harris case No. D 528), appeared before the Commission on October 29, 1901, at Vinita, Indian Territory, and testified as follows: I am 58 years old and my postoffice is Ottumwa, Coffey County, Kansas, where I have lived about forty-six years. I w s acquainted , in Kansas, with John and Charlotte Curry. They had five children, named Mary, Joe, Neely, Teels and Harrison Elder Curry. I first became acquainted with this family in 1868, and at that time "they lived in the southwest corner of the town of Ottumwa, right adjoining my place", where they continued to live about two years, when they moved over on Harrison Kelly's place, and lived there till 1873, and then "moved to a homestead they taken on the prairie". This family "lived there from '68 to '84. Mrs. Curry died in the fall of '84, there, and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November, '84. I was at the burying, and then I saw since then on the gravestone it was in '84. I have been to her grave and saw it there before I started."

do not recollect their names now. Rachel continuously lived there till her mother's death , but after that I don't remember her till she came back there about 1878, married to Harry Steele, and then lived there by our house for some five years after that."

.. .. .. .. .. .. ..

ROBERT ROVER, in behalf of Cherokee Nation, appeared before the Commission on April 6, 1908, at Muskogee, Indian Territory, and testified as follows: I am 64 years old, and my postoffice is Burlington , Kansas. I at one time knew a colored man named John Curry, also knew his wife, Charlotte. I knew the applicant, Cornelia Martin, as Cornelia Curry. I first became acquainted with John Curry in '67, I think it was in August. "He shot a man at Leroy (Kansas) in '66, and he was under arrest, and I met them in the road with him in August, '67." That was at Ottumwa, Kansas. The next October the Curry family moved across the road from me and lived there from '67 till '72, when John Curry having homesteaded a piece of land about two miles north of Ottumwa, they moved out there and lived till about '85. Charlotte died there and was buried in the graveyard at Ottumwa. I know this because I had her buried, and if it is testified that she died and was buried on Grand River, Cherokee Nation, it is a mistake. I saw John Curry often from '67 to '78. "I don't think there was a week I did not see him. We worked together a good deal and I knew that he was never away as long as a week at a time." I knew John Curry's sister Rachel. "Her name was Rachel Steele, she came there in about '66. Martin Bolin was her father." I knew Martin Bolin's wife. Martin Bolin and wife continuously lived in that vicinity from '66 to '80, when Mrs. Bolin and one of the boys died, and then the old man came to Parsons and got the smallpox and came back and died. I attended the funeral of Mrs. Bolin and her son, they were both buried in the cemetery, on the same day, Sunday. I knew John Curry's children, they were named Mary, Cornelia, Joseph, Harrison, Elworth and Christine. They were all born at Ottumwa, Kansas, and attended the schools there. It was reported up there that John Curry died at Wichita, Kansas. I knew Rachel's husband, Harry Steele. "They were said to have been married at Burlington. The last time I was there they had four children. They lived south of Ottumwa and then north of Ottumwa". I think she (Rachel) left there about '80 .

ISAAC HOOVER, in behalf of Cherokee Nation, same date and place, testified as follows: I will be 39 years old this coming May, my postoffice is Hartford, Kansas, and I have lived within three miles of Ottumwa, Kansas, all my life. I knew a colored man there by the name of John Curry, also knew his wife, Charlotte. I think they had six children, named Eb, Mary, Cornelia, Joe, Christine and Elworth. I can first remember this family when

do not recollect their names now. Rachel continuously lived there till her mother's death, but after that I don't remember her till she came back there about 1878, married to Harry Steele, " and then lived there by our house for some five years after that."

.. .. .. .. .. ..

ROBERT? BOWEN, in behalf of Cherokee Nation, appeared before the Commission on April 6, 1908, at Muskogee, Indian Territory, and testified as follows: I am 64 years old, and my postoffice is Burlington, Kansas. I at one time knew a colored man named John Curry, also knew his wife, Charlotte. I know the applicant, Cornelia Martin, as Cornelia Curry. I first became acquainted with John Curry in '67, I think it was in August. "He shot a man at Leroy ( Kansas ) in '66, and he was under arrest and I met them in the road with him in August, '67", that was at Ottumwa, Kansas. The next October the Curry family moved across the road from me and lived there from '67 till '72, when John Curry having homesteaded a piece of land about two miles north of Ottumwa, they moved out there and lived till about '85. Charlotte died there and was buried in the graveyard at Ottumwa. I know this because I had her buried, and if it testified that she died and was buried on Grand River, Cherokee Nation, it is a mistake. I saw John Curry often from '67 to '75. "I don't think there was a week I did not see him. We worked together a good deal and I know that he was never away as long as a week at a time." I knew John Curry's sister Rachel. "Her name was Rachel Steele, she came there in about '66. Martin Bolin was her father." I knew Martin Bolin's wife. Martin Bolin and wife continuously lived in that vicinity from '66 to '80, when Mrs. Bolin and one of the boys died, and then the old man came to Parsons and got the smallpox and came back and died. I attended the funeral of Mrs. Bolin and her son, they were both buried in the cemetery, on the same day, Sunday. I knew John Curry's children, they were named Mary, Cornelia, Joseph, Harrison, Elworth and Christine. They were all born at Ottumwa, Kansas, and attended the schools there. It was reported up there that John Curry died at Wichita, Kansas. I knew Rachel's husband, Harry Steele. "They were said to have been married at Burlington. The last time I was there they had four children. They lived south of Ottumwa and then north of Ottumwa." I think she (Rachel) left there about '80.

ISAAC HOOVER, in behalf of Cherokee Nation, same date and place, testified as follows: I will be 39 years old this coming May, my postoffice is Hartford, Kansas, and I have lived within three miles of Ottumwa, Kansas, all my life. I knew a colored man there by the name of John Curry, also knew his wife, Charlotte. I think they had six children, named Eb, Mary, Cornelia, Joe, Christine and Elworth. I can first remember this family when

I was about eight or nine years old, and continued to know them still about '85 or '86. Charlotte Curry died there and was buried about two miles south of us. I was at the funeral and burying. I knew this family well. Our houses were within sight and I saw them nearly every day. The children attended the district school. I knew John Curry's half sister, Rachel, who married Harry Steele, and they lived a mile and a half west of us for a number of years, and then they lived east of us."

J. M. KEYS, in behalf of Cherokee Nation, same date and place, testified as follows: I am 62 years old, and my postoffice is Pryor Creek. I represent the Cherokee Nation in the capacity of Marshall in summoning witnesses. In the discharge of my duties I had occasion to visit a demetery near Ottawa, Kansas, to search for the grave of Charlotte Curry. In the Bowman cemetery, near Ottawa, Kansas, I found a grave with the following inscription: "Charlotte, wife of John Curry. Born December 16, 1844, Died November 18, 1864"

CASE CLOSED.

The applicant, Cornelia Martin, cannot be identified on any Cherokee roll, and, excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any rolls of the Cherokee Nation in the possession of this office.

The evidence in this case indicates that immediately after the close of the rebellion, and prior to the making of the treaty of 1866, the applicant, Jack Starr, was temporarily present in the Cherokee Nation. Under the ruling of the Department in the cases of Spencer Bell (I.T.D. 6176-03), Thomas Mayfield et al. (I.T.D. 6968-04), and Martha Gales (I.T.D. 1850-04) such temporary presence would not be sufficient to satisfy the provisions of Article IX of the treaty of 1866, relative to the establishment of a residence in the Cherokee Nation within the time stipulated in said treaty. Hence, it must be shown that he returned from Kansas to the Cherokee Nation and established his residence therein prior to February 11, 1867.

In re return from Kansas to Jack Starr and family: The applicant, Jack Starr, testifies that after the rebellion he returned from Kansas to the Cherokee Nation in company with Dave Mayes, Sam and Jesse Whitmire, Berry Ward, and Caesar Smith; and that they found Aaron Wright ( Whitmire), Lewis Wright (Whitmire), Mike Sanders, Sam Webber and Harry Still, living, with their families, on Big Creek. All of whom, except Harry Still, had

houses built and had in small patches of corn. Sam Webber testifies that the applicant, with his family, arrived on Big Creek in the fall of '66, a few days behind him, and that Dave Mayes, Santa Ann Nivens and Caesar Smith accompanied them.

In connection with this testimony of Jack Starr and Sam Webber, attention is invited to a certified copy, filed herewith, of certain proceedings had before the Commission on Cherokee Citizenship in 1898-9, which held that the said Aaron and Lewis Whitmire were entitled to Cherokee citizenship, indicating that they had complied with the treaty provisions of 1866, and that the said Dave Mayes, Sam and Jesse Whitmire, Berry Ward, Caesar Smith, Santa Ann Nivens and Jack Starr were not entitled to Cherokee citizenship, thereby indicating that they did not comply with said treaty provisions of 1866.

In re witness Harry Still: This witness was admitted to Cherokee citizenship by the Daniels Court in 1871 , and for that reason his application for enrollment as a Cherokee freedman has been granted. The Commission to the Five Civilized Tribes, however, found that the said Harry Still did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and in Departmental letter (I.T.D. 7688-04), its findings of facts were admitted by the Department to be correct. His mother, Mariah Hayden, who returned at the same time, was denied enrollment by the Commission, said decision being approved by the Department.

If, as the applicant, Jack Starr, testifies, Aaron and Lewis Whitmire, Mike Sanders , Sam Webber and Harry Still, were living on Big Creek, with their families, and had erected houses and put in crops, when he, with his family, returned to the Cherokee Nation after the rebellion, they did not arrive in said Nation till subsequent to March, 1867,- - the date found by the Chambers Court, and by the Commission to the Five Civilized Tribes, in numerous cases, as the one when the Webber-Whitmire-Sanders colony of freedmen, with their families, landed in the Cherokee Nation after the rebellion.

In C. F. D. 471, now 226, the Commission to the Five Civilized Tribes, found in its decision rendered on July 10, 1903, that the said "Berry Ward, now deceased", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and on January 4, 1904, (Departmental letter I.T.D. 8978-03), its finding was affirmed by the Department.

In C.F.D. 602, the said Commission found, in its decision rendered on March 5, 1904, that the said "Santa Ann Nivens", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. . F. 3 626, the said Commission found, in its decision rendered on June 23, 1906, that one Joseph Smith, son of the said Ceasar Smith", now deceased, who, the evidence shows, returned with his father, did not return to the Cherokee Nation after the rebellion, within the time specified in said Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. F. D. 981, the said Commission found in its decision rendered on April 20, 1905 , that one David Mayes, son of the said "Dave Mayes", now deceased, who, the evidence shows, returned with his said father, did not return to the Cherokee Nation after the rebellion within the time specified in said whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C.F.D. 796, now 1379, said Commission, in its decision rendered on January 2, 1904, found that the said "Samuel Whitmire" returned to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on June 27, 1904 (I.T.D. 5036-04), its finding was affirmed by the Department. In this case Samuel Whitmire was granted enrollment on the testimony of one Sam Webber, who testified that Samuel Whitmire returned with them in the fall of 1866--- testimony absolutely false, as can be shown by evidence practically conclusive, subsequently obtained and now in the possession of this office.

The testimony in C. F. R 213, 214, and 215, shows that the said "Jesse Whitmire" (also known as Riley), is living, but the records of this office fail to show that aplication has been made for his enrollment as a Cherokee citizen. Sim and Samuel Whitmire, Cases Nos. R 214 and R 215, respectively, sons of the said jesse Whitmire, born since 1866, were denied enrollment as Cherokee freedmen, by the Commission to the Five Civilized Tribes in its decision rende ed on July 10, 1903, and on September 30, 1903 (I.T.D. 6180-03), said decision was affirmed by the Department. The status , however, of the said Jesse Whitmire, seems not to have been considered in the above mentioned decision.

In re return of Frances Anderson to the Cherokee Nation after the rebellion: In connection with Sam Webber's testimony relative to the return of this applicant, attention is invited to a rough map and notes thereon, filed with the record in this case.

Frances Anderson insists that Sandy Bean, now deceased, was one of their nearest neighbors when they located on Grand River upon their return to the Cherokee Nation in the fall of 1866. The Daniels Court denied Sandy Bean the right to Cherokee citizenship, on the ground that he returned too late, and he was rejected by the "Commission on (Cherokee ) Citizenship" of 1878-9. In C.F.D. 215, now 1421, Joe Bean, age 55, (May, 1901), son of the said Sandy Bean, testified that after the rebellion he brought his father from Kansas to the Cherokee Nation in the fall of 1867.. In C.F.D. 200 (Thomas Mayfield et al. ), Walter A. West testified that, among others, Thomas Mayfield and "Sandy Bean", with

their families, returned to the Cherokee Nation in February, 1869. It was found by said Commission that the said Thomas Mayfield did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and its finding was approved by the Department.

Frances Anderson further testifies that her stepfather and mother, Martin and Polly Adair, (also known as Rolin), died of the smallpox, in the Cherokee Nation, about 1861, and are buried near the mouth of Spavinaw on Grand River. This is contradicted by testimony practically conclusive, of several witnesses from Kansas, introduced by the Cherokee Nation, and the testimony of Millie Frye, witness for Mary Harris, indicates that it was Charlotte Curry's father and mother and grandfather and grandmother who died and were buried at the time and place testified to by the applicant. On her first appearance before the Commission this applicant testifies that as she was coming to the Cherokee Nation in 1866, she met Dave French and Sam Webber on their way back to Kansas. On her second apearance before the Commission she testified that she folowed the said Dave French and Sam Webber to the Cherokee Nation, arriving a few days behind them. She also testifies that Lew Martin was a member of the company returning with her in 1866.

In C.F.D.289, the Commission to the Five Civilized Tribes, in its decision rendered on May 13, 1905, found that the said Lewis Martin did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and the proceedings in this case were duly forwarded to the Department, where they are now pending.

The little weight to be given the testimony of Sam Webber has been commented on by this office in numerous cases, and as to the witness Dave French, attention is invited to the cases of Wash Wave, C.F.D 815, and Frank Whitmire, C.F. D 956, to show that his testimony is of little, if any value.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the said Jack Starr, Charley Starr, Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, Frances Anderson, nor John and Charlotte Curry, both deceased, became domiciled citizens of the Cherokee Nation within the time specified in the Whitmire decree; and that all the aplicants herein except the said Jack and Charley Starr and Frances Anderson, were born since the commencement of the rebellion, are lineal descendants of the said applicants, Jack and Charley Starr, and of the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Jack Starr, Charley Starr, Jessie Grimmett, Lizzie Starr, Lydia Starr, Elijah Starr, Morning (Moses) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Sexie Steele, Henry Steele, Joe Steele, Willie Steele, Myrtle Steele and Claude Steele, Abie McWilliams, Dorothy B. Williams, Major L. Williams, Marion Montgomery, Ora Montgomery, Ethel Montgomery, Crowell Montgomery, Ruth Montgomery, and Mark Montgomery and Cornelia Martin, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) TAMS BIXBY
COMMISSIONER.

Dated at Muskogee, Indian Territory
this SEP 30 1906.

7 Ayuda.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible]
[illegible], I. T.
[illegible]
Registar.

Muskogee, Indian Territory, September 30, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated applications of Jack Starr, et al., for enrollment as Cherokee Freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1905, rejecting the applications of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Morning (Mena) Starr, Charlette Starr, Thella Jones, Frances Anderson, Roxy Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Claude Steele, Abbie E. Williams, Dorothy B. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery Ruth Montgomery, Hart Montgomery, Major L. Williams and Cornelia Martin, for enrollment as such.

In connection with the decision of this office in the consolidated case herewith transmitted, the Department's

Secretary--4.

attention is invited to the consolidated case of Mary Harris, et al., including the cases of Mary Harris, et al., Cherokee Freedman 1233, formerly Cherokee Freedman D 328, Joseph Curry, Cherokee Freedman 1234, formerly Cherokee Freedman D 331, Ostella Martin, et al., Cherokee Freedman 1235, formerly Cherokee Freedman D 332, and Harrison Curry, Cherokee Freedman 1236, formerly Cherokee Freedman D 333, wherein it was found by the Commission to the Five Civilized Tribes, in its decision rendered on July 10, 1903, that Mary Harris, Irene Harris, Olive Harris, Rhoda Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Ray Martin, Myrrh E. Martin, and Harrison Curry, all of whom neither claimed nor possessed any rights to Cherokee citizenship other than as descendants of John and Charlotte Curry, both deceased, were entitled to enrollment as Cherokee freedmen, said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on November 14, 1903 (Departmental letter I.T.D. 7416-03). Thereafter the names of the eleven last above named applicants were placed upon the Cherokee Freedman schedule forwarded to the Department on November 2, 1904, and they are now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 18, 1904, opposite Nos. 3438 to 3448, inclusive.

Secretary--3.

It will be noted that the rights to Cherokee freedmen citizenship of the applicants included in the consolidated case of Mary Harris, , et al., supra., are identical with those of the applicant, Cornelia Martin case No. D 504, said case being included in the consolidated case of Jack Starr, et al., transmitted herewith, all said applicants claiming as descendants of John and Charlotte Curry, both deceased, and who, it is alleged, complied with the provisions of Article IX of the Treaty of 1866.

It is respectfully submitted that the evidence in the consolidated case of Jack Starr, et al., transmitted herewith, shows that neither the said John Curry, deceased, nor the said Charlotte Curry, deceased, returned to the Cherokee Nation after the rebellion, and established a residence therein, consequently, they did not comply with the provisions of Article IX of the treaty of 1866, and all applicants obtaining rights to Cherokee freedman citizenship only through them, must necessarily be denied.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office in the consolidated case of Jack Starr, et al., which is herewith transmitted, that the consolidated case of Mary Harris,

Respectfully,

et al., which includes the cases of Mary Harris, et al., Cherokee Freedmen 1232, Joseph Curry, Cherokee Freedmen 1234, Estella Martin, et al., Cherokee Freedmen 1235, and Harrison Curry, Cherokee Freedmen 1236, be reopened and the decision therein enrolling the applicants included in said consolidated case be reversed.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner

Incl. R 101.
LMR

Cherokee Freedmen

COPY

S-669.

Muskogee, Indian Territory, October 6, 1908.

Abbie E. Williams,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1908, rejecting, among others, your application for the enrollment of yourself, your minor children, Dorothy B. and Major L. Williams, and your minor brothers and sisters, Marion, Eva, Ethel, Cretwell, Ruth and Mart Montgomery, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 30, 1908, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-19
Register

Cherokee Freedmen

D-448, et al.

COPY

Muskogee, Indian Territory, October 4, 1906.

Edgar Smith,

Attorney for Jack Starr, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1906, rejecting the applications for the enrollment of Jack Starr, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 30, 1906, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. S-21
Register

Cherokee Freedmen

Beck, et al.

Muskogee, Indian Territory, October 4, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1905, rejecting the applications for the enrollment of Jack Starr, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 30, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 5-22

-Copy-  ( Copy )

Land.
60801-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 17, 1906.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 20, 1906, transmitting the record of the application for enrollment as Cherokee freedmen by Georgia Starr for her husband, Jack Starr; by Hannah Starr for her husband, Charley Starr; by Henderson Grimmett for his wife, Peggie Grimmett; by Lizzie Starr for herself; by Eddie Starr for himself; by Elijah Starr for himself and wife, Morning Starr(Nona) Starr, and their minor child, Charlotte Starr; by Lycurgus K.Jones for his minor child, Thella Jones; by Frances Anderson for herself and minor nieces, Roxie, Mary, Willie, and Myrtle Steele, and her minor Nephew, Joe Steele; by Claude Steele for herself; by Abbie E. Williams for herself and her minor children, Dorothy E. and Major L.Williams and her minor brothers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Mart Montgomery; and by Cornelia Martin for herself.

September 30, 1906, the commissioner decided adversely to all the applicants.

The record shows that the applicants, Jack and Charley Starr, and Frances Anderson, and Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein on or before February 11, 1867; that the applicants, Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, born Starr, now deceased, are children of the applicant, Jack Starr and Charlotte Starr, deceased; that the applicants, Morning (Mona) Starr, and Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, are children of Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants, Abbie E. Williams, and Marion, Eva, Ethel, Gretwell, Ruth and Hart Montgomery are children of Julia Montgomery, deceased, and one Henry Montgomery, a non-citizen of the Cherokee Nation; that the applicant, Cornelia Martin, is a daughter of John and Charlotte Curry, both deceased; and that the minor applicant Charlotte Starr, is a child of the applicants, Elijah and Morning(Mona) Starr; that the applicant, Thella Jones, is a child of Mattie Jones, born Starr, deceased, and one Lycurgus K. Jones, a non-citizen of the Cherokee Nation;

and that the minor applicants, Dorothy B. and Major L.Williams, are children of the applicant, Abbie E.Williams and one Jesse D. Williams, a non-citizen of the Cherokee Nation; that none of the applicants possesses any rightsto enrollment as Cherokee citizens other than as above indicated and that none of the applicants, or any ancestor, can be identified on the 1880 authenticated Cherokee roll or the Cherokee ~~N~~ Census roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.W.)W)

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.13644-1908 April 24, 1906.

I.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 30, 1905, you transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee freedmen of Zack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Verning(Mena) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Rozie Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Glenda Steele, Abbie E. Williams, Dorothy E. Williams, Major L. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery, Ruth Montgomery, Hart Montgomery, and Cornelia Martin, including your decision of same date denying said applications.

October 17, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said applications be approved. A copy of his letter is inclosed.

The Department has carefully considered the evidence submitted with the record in said case and finds no reason to dis-

Work your decision, which is hereby affirmed.

Respectfully,

Thos. Ryan,

1 Inclosure. First Assistant Secretary.

Cherokee Freedmen
B. Ind et al.

GCM

Muskogee, Indian Territory, May 8, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Schmoett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Glenda Steele, Abbie E. Williams, et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 28, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

GCMcM.

Acting Commissioner

LMM

Incl. B-39

Cherokee Freedmen
D 448 et al.

Muskogee, Indian Territory, May 9, 1906

Louis T. Brown,

Attorney for Jack Starr, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1906, rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Claude Steele, Abbie E. Williams et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 25, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

(SIGNED)

Acting Commissioner

LMB

Incl. B-40

Cherokee Freedmen
P 608

COPY.

Muskogee, Indian Territory, Nov 6, 1906

Abbie R. Williams,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the five Civilized Tribes dated September 30, 1906, rejecting, among others your application for the enrollment of yourself, your children, Dorothy B. and Major L. Williams, your sisters, Eva, Ethel, Ruth and Hart Montgomery, and brothers, Marion and Cretwell Montgomery, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 25, 1906.

Respectfully,

SIGNED.

Wm O Beall
Acting Commissioner

IMB

Cher Fr R 973
Trans. from Cher Fr D 690

Cher Fr R 973

DRILL
JUN 22 1961

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 11th 1906.

Witness A Smith attorney for applicant

Joseph Thompson for the Cherokee Nation.

In the matter of the application of Jef Rowe for the enrollment of himself and three children as Cherokee freedmen ; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Jeff. Rowe
Q How old are you? A. 54.
Q What is your post office? A. Tyner.
Q In what district do you live in? A. Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you you desire to have enrolled besides yourself? A. Three children.
Q Give me their names? A. Grant;
Q How old? A. 18 years.
Q Next? A. Viola.
Q How old? A. 17 years.
Q Next? A. Leola.
Q How old? A. 16.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A. Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On the 1896 roll and the Kern's roll.
Q Did you draw strip money? A. Yes sir'

Kern Clifton roll examined and the name of applicants found as follows
Page 136 No. 3244, Jeff Rowe, Coowescoowee district.
Page 136 No. 3246, Grant Rowe, "
Page 136 No. 3247 Viola Rowe, "
Page 136 No. 3248 Leola Rowe "

Q What is your fathers name? A. Dan Rowe.
Q Is he living? A. No sir.
Q Your mothers name? A. Harriett Rowe.
Q She living? A. No sir.

By Mr. Smith:

Q How old are you? A. 66.
Q Were you a born slave yourself? A. Yes sir.
Q Who did you belong to? A. Lewis Rowe, Chief John Ross' brother.
Q Was he a Cherokee citizen? A. Yes sir.
Q A recognized citizen? A. Yes sir.
Q Where were you after the war commenced? A. On Grand River in the Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas.
Q When did you return here? A. April of 66.
Q Who came with you? A. Some soldiers sent an Indian by the name of Porter. I disremember his given name ; seems like it was Dick
Q What year? A. April 66.
Q What point did you come to then? A. Fort Gibson.
Q How long did you remain there? A. Until in September.
Q Where did you live now? A. On the creek.
Q How long have you lived there? A. [illegible] yrs.
Q All these children you named all living with you? A. Yes sir.
Q What is your wifes name? A. My first wife was named Betty, she is dead

Q Was she the mother of all these children? A. Yes sir.
Q Of all of them? A. Yes sir.
Q ~~[illegible]~~ There were you and Bobby married? A. At Fort Smith on the steam boat, she was chamber maid and I was cabbin boy.
Q When were you married? A. In '73.
Q Were you married by a preacher? A. Yes sir.
Q What? A. Peter Harvey, he is dead, he lived at Van Buren.
Q Have you a certificate of your marriage? A. No sir.
Q Is there any one here who knew your first wife whil you and she were living together? A Yes sir.

Q By the Commission

Q What was your first wife's name when you married her? A. Walker.
Q Was she a citizen? A. No sir a state woman.
Q What was your present wife's name when you married her? A. Webber, Harriett Webber.
Q Is she living? A. Yes sir.
Q Is she a citizen? A. Yes sir.
Q Has she been enrolled? A. Yes sir, we are separated now.

By Mr. Davenport-

Q You came to Big creek in 1880 didn't you? A. No sir I came there in '66'
Q When did you go there to live? A. Latter part of November, '66,
Q Have you been living there ever since? A. No sir
Q How long have you been living there the last time? A. Ever since '73.
Q Before that you were in Fort Smith Arkansas? A. Yes sir near there and on the river.
Q And before that you lived in Camden Arkansas? A. No sir.
Q What year were you married? A. '74.
Q Were you not married in Camden Arkansas? A No sir
Q You were at Little Rock after you were married, how long did you stay there? A. I was there going to school, that was before I married, I was there going to school three terms, I was there 8 months in '72, 8 months in '73 and 5 months in '74,
Q What school did you go to there? A. The Freedman high school.
Q Before you went to Lightning creek, where had you lived? A. Up until '66 I was in the Cherokee Nation, part of the time on Big creek and on Coal creek and in the Strip.
Q You have a daughter named Mary? A. Yes sir.
Q Where were you when she was born? A. At Fort Smith, I was on the land there that was in the Cherokee Nation, right down where the Missouri Pacific depot is now, near there, there is a saw mill or something there now, a place where they make furniture.
Q When you ~~[illegible]~~ daughter Mary was born, had your wife lived in the Cherokee Nation at all? A. Yes sir.
Q What year was she born in? A. '75.
Q Where did you live in the Cherokee Nation between '74 and '78? A We lived part of the time on the steam boat and part of the time at Fort Smith where the Cherokee Nation runs in there, there is a chair factory there, where the depot stand s now, this side of Campbell Leflore's

By the Commission-

Q Where were you born? A. In the Cherokee Nation.
Q What part? A. On Grand river, in Saline district.
Q Your father took you out of the Cherokee Nation during the war did he? A. Yes sir.

Q You married the first time in '74? A. Yes sir, and the last time in '81.
Q How long did you run on the river after you married the first time?
Q We was on the river when we married and was running on there until '78 off and on.
Q Did you then come to Big creek? A. Yes sir.
Q You and your wife were running on the river together? A. Yes sir she was the chamber maid and I was the cabbin boy.
Q On the Arkansas river? A. Yes sir.
Q What was the name of the boat? A The New Area, Captain Keeler's boat.
Q Was that your only occupation from '74 until '78? A Yes sir, except cutting wood when the water was not high enough to run the boat.
Q Where was your wife living then, when you were cutting wood? A. In the Cherokee Nation, there at Fort Smith.
Q The Cherokee Nation dont run up to Fort Smith does it? A. Yes sir right back of the old garrison.
Q How much of it ? A. Not much, the corner is right there some where by Campbell LaFlore's house.
Q

By Examiner Davenport:

Q. Campbell LaFlore's place is in the Choctaw Nation isn't it? A They join right there.
Q Dont you know that there is not a place half as big as this tent there in Fort Smith that is a part of the Cherokee Nation? A. There is quite a strip there.
Q And you lived right there on that strip did you? A. Yes sir, I never paid any taxes at all, and I know I livedthere in the Cherokee Nation because I did not have to pay taxes.
Q The Choctaw Nation line is right there also? A. Yes sir.

By the Commission

Q If a steamboat man lived on the Arkansas river and run on the river all the time he didn't have to pay taxes as a general rule did he ? A. No sir, but I didn't pay taxes when I was living in town.

By Davenport-

Q Not many of the niggers down there pay taxes do they? A. I dont know.

By Smith-

Q Where did this steam boat run from? A. Little Rock to Fort Gibson; it run up to Fort Gibson whenever the river was high enough.
Q What was the boat you were cabbin boy on? A. I run on several, the last boat I run on was the Border City and then I run on the Jennie May and on the New Area.

By the Commission-

Q Did you carry passengers on these boats? A. Yes sir.
Q Stern wheel boats or side wheel ? A Stern wheel.
Q How many cabbin boys did they usually have on these boats? A. I was the only one that was on the ones I was on.
Q Didn't do much passenger hauling did they, more of a freight boat wasn't it? A Yes sir, and the time I was on the Border city I was a

deck hand.
Q You were there of a round-about then a cabin boy then? A. Yes sir

ABRAHAM NAIR, called and sworn as a witness for the applicant-

By Smith-

Q What is your name? A. Abraham Nair.
Q What is your age? A. 77.
Q Where do you live? . At Wymer.
Q How long have you lived in the Cherokee Nation? All my life.
Q Do you know this applicant here, Jef Rowe? A. Yes sir.
Q How long have you known him? A. Ever since he was a child.
Q Was he a slave? A. His father was, he was too small, he was born——
Q Who did he belong to before the war? A. To Rose.
Q Which Rose? A. I cant call his first name.
Q Where was he when he was a little boy before the war? A. They were down there on the Rose settlement.
Q When did you first see this applicant in the Cherokee Nation after the war? A. I saw him in '66, fall of '66 after the war.
Q Where? A. Here on Grand river.
Q On what part of Grand river? What settlement or neighborhood? A. Down by McNair's.
Q How long was he in the settlement? A. Not very long, 2 or 3 weeks.
Q When did you next see him after that? A. Well it was quite a while after that that I saw him, long in the winter.
Q Where was he then? A. At his father's on Big creek.
Q Where was Big creek and at what point on Big Creek? A Cherokee Nation, and right where Tuck Sanders lives now.
Q In the Cherokee Nation? A. Yes sir.
Q Do you know where he lived now? A. Yes sir.
Q Where? A. Up there.
Q How long has he been living there? A. 15 years or more, I think.
Q Do you know how long he has been living there? A Not absolutely the years, but about that I think .

By the Commission-

Q Who was with him when you saw him in '66? A. With some parties that were in Price's raid.
Q Was his father and mother with him then? A His father was.
Q How old was Jess then? A. You mean Jeff here?
Q Yes this fellow? A. He was 6 or 7 years old then , not more than 8; he was a small boy in the Price's raid.
Q Was his mother living up there on Big creek? A. No sir she was dead.
Q Were they living in a house? A. Yes sir.

By Smith-

Q Did you know this man's first wife? A. Yes sir .
Q How long has she been dead? A. 10 years.
Q Did you know his children? A Yes sir.
Q Was his first wife the mother of them? A. Yes sir.
Q Did she and this applicant live together there? A. Yes sir.
Q They were man and wife, were they? A. Yes sir.

By Davenport-

Q You dont know where his children were born? A. Born and born there.
Q The others dont'll? A No sir.
Q There were several years after the war that you didn't know where he was? A. Yes sir, after this boy's father's going after him from Prices Raid —— he rescued this boy and brought him back home.
Q How far did you live from him up there? A. A mile.
Q Are you one the roll of 1880? A. I ought to be I dont know.

By Commission-

Q Do you know where he was taken to before the war? A. On Red River.
Q In Texas? A. Yes sir.
Q Who took him there? A. Price's raid.
Q How do you know that? A. I was after him and knew it.
Q You were after him? A. Yes sir I was a soldier on the other side and when he made the raid we followed him.
Q You didn't catch him did you? A. No sir, he took my sister and this boy with him and they sold her, if I had known it I would have gone after her then.

By Davenport-

Q He gave you fellows a warm reception over the Arkansas line didn't he? A. Yes sir he did.

MOSE HARDRICK called and sworn as a witness for the applicant:

By Smith-

Q What is your name? A. Mose Hardrick.
Q Where do you live? A. On Prior's Creek.
Q How long have you lived there? A. 18 years.
Q How long have you lived in the Cherokee Nation? A. All my life in the Cherokee Nation up to the war and then back here after the war and up to now I has lived here ever since.
Q How old are you? A. About 71.
Q Do you know this applicant here, Jef Rowe? A. Yes sir.
Q How long have you known him? A Always.
Q Was he a slave before the Civil war in the Cherokee Nation? A. Yes sir.
Q Who was his owner? A. Lewis Rose, an Indian.
Q A citizen of the Cherokee Nation? A. Yes sir.
Q Where was this applicant when the war commenced? A. On Grand river.
Q Who was he living with there? A. Lewis Rose and Indian.
Q Was he taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see him in the Cherokee Nation after the war? A. A In the fall of 186 when his uncle brought him from Fort Gibson.
Q Where did he bring him to? A. On Grand river to his place.
Q How long did he stay there? A. I dont know.
Q Then was the next time you saw him? A. Quite a while after, he left here to go to his father's.
Q You dont remember how long he staid there after the fall of 186 when he came, in that neighborhood? A. No sir, not a great while though, till his uncle taken him to his father's on Big Creek.

By the Commission:

Q Did you know his wife? A. No sir.
Q You dont know his children? A. No sir, none but two.

Q Which two? A. One called Mary and a boy. I has forgot his name.
Q Where was Mary born? A. I dont know sir.
Q Were you taken out of the Cherokee Nation yourself during the war?
A Yes sir.
Q Where to? A. Fort Scott, Kansas.
Q You say of General Price's force there? A. Not them, I saw him in '64.
Q Who took this boy away do you know? A. They said that one of Price's Generals took him, one they called Coleman I believe; they made a raid up there where the negroes was and got him and a lot others.
Q Where was that? A. Up in Kansas near Fort Scott.
Q Did you see him up there? A. Yes sir.

By Smith? A. Where did this Price come in at, I didn't hear what you said about that? A. He got him on Lost Creek above Fort Scott in '64
Q Where did he take him to? A. The last I saw of them was when we was chasing them down south .
Q Was Price running off a lot of slaves from up there? A. Yes sir and this boy was one of them.

By Commission;

Q Was Price fighting in Kansas in '64? A. Yes sir.
Q Was Price up around Fort Scott then? A. I didn't see him to know him but General Blunt said it was General Price that was making the raid.
Q You were in Blunt's army were you? A. Yes sir.
Q There was not much of a fight in Kansas between you and Price in '64 was there? A. No sir not much.
Q This boy had been taken up to Kansas from the Cherokee Nation before the war and then Price made a raid up in through there and took him south, is that it? A. Yes sir.
Q And you fellows followed him? A. Yes sir.
Q Did General Price charge on Fort Scott? A. No sir.
Q Did he try to? A No sir he was just raiding around there.
Q And he got this boy while he was on the march? A. Yes sir.
Q Price went round and hunted him up and took him with him? A Yes sir

By Smith-

Q All that you knew of it being General Price is what they told you at the time? A. I saw him and his men, and the said it was General Price and his Generals and men.
Q You wasn't personally acquainted with Price were you? A. No sir, I didn't know him.

By Commission-

Q You didn't want to know him very well did you? A. Well we followed him
Q You didn't get him though did you? A. No sir.
Q The war wasn't over in '64? A No sir.

By Davenport-

Q Did you ever see Jeff on the Stewart farm on the Neosho river? A. No sir.
Q You dont know where Nelson Murrell was living then? A. He was with us fighting .
Q When you speak of '64 that he was taken south, do you mean 1864?
A Yes sir.

Q Do you know how old? A. Yes sir.
Q You dont know just where? A. No sir.
Q How did he get up there to Fort Scott first? A They carried the Rosses and those negroes up there and took them to Fort Scott.
Q Which Rosses? A. Chief John Ross, Lewis Ross, Allen Ross and Will Ross.
Q And they took them up there? A. Yes sir.
Q Did Chief John Ross stay there? A No sir they left the colored folks there and for a few days and took Chief Ross to Leavenworth.
Q You dont know where this applicant has lived since the war? A. No sir

By Mr. Smith of the applicant-

Q What is your oldest child's name? A. Mary.
Q Is she married? A. Yes sir.
Q Who to? A. Reese Beaver .
Q Has she any children? A. Yes sir.
Q How many? A. 4.
Q What are their names? - Sanford, Clifton, Mercy and I cant think of the baby's name.

By Com'r Needles,-

Jef Ross applies for the enrollment of himself and three children, namely, Grant, Viola and Leola; their names are not found in the authenticated roll of 1880 or the census roll of 1896, but is identified on the Kern Clifton roll as well as his three children. He avers that he was a slave of one Lewis Ross, and was taken out of the Cherokee Nation during the war, and returned in the fall of 1866, and that he was married to one Betsy Webber, a non citizen, who was the mother of the three children for whom he applies; she is now deceased and he has again married. He presents no certificate on marriage, but presents testimony in order to prove a Common Law marriage. He has no certificate of marriage but states that he was married by a preacher and makes no proof of marriage but presents personal evidence as to his having lived with his wife as man and wife, and through said cohabitation said three children were born. Consequently he and his said three children will be listed for enrollment as Cherokee freedmen on a doubtful card and he will be notified in due course of mail by the Commission when they arrive at a final decission in this matter.

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FILED
JUN 1 1901

# CHEROKEE FREEDMEN

Date JUN 11 1901

Post Office

Testimony

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page Doubtful

Parents:

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page 130 No. 2276 Dist. 10 9

4. Year Page 130 No. 2277 Dist. " 17

5. Year Page 130 No. 2278 Dist. " 4

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by No. 1 Stenographer Chas. von Weise

Represented by Wheatte and Smith

X(.10)

Docket D 698

[illegible]

Commission to the Five Civilized Tribes,
Muskogee, I. T., [illegible], 1902.

In the matter of the application of Mary Adair for enrollment as a Cherokee freedman.

Applicant appears by Matthew J. Smith. Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to allow the certified copy of the record and judgment of adoption in the case of Moses Whitmire, Intervenor for the Freedmen, vs. The Cherokee Nation, No. 1[illegible] filed in the Martin Hayden case D D 4[illegible], a part of the record in this case and the cases hereinafter mentioned by reference to the roll page of the said Martin Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jeff Rowe, D 699;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a citizen of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove anything in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Martin Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Martin Hayden case that counsel for the applicant be allowed within thirty days to file any or the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D-690

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., November 14, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Viola Mose, et al., as Cherokee Freedmen.

On October 13, 1904, the applicant was notified by registered mail, and on October 28, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application of Viola Mose for the enrollment of herself and her minor child as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 14th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.
Receipt has been acknowledged of the Commission's letter.

Now on this 14th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H.M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of November, 1904, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedins on aid date.

H.M. Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles H. Sawyer
Notary Public.

[illegible]

In the matter of [illegible]

[illegible]

Viola Rose, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Viola Rose.
Q How old are you? A 24.
Q What is your postoffice address? A Vinita.
Q What is your father's name? A James Rose.
Q Did he ever go by the name of [illegible]? A No sir.
Q You got a brother [illegible]? A Yes sir.
Q What is your [illegible]? A [illegible].
Q Do they [illegible] your Dawes? A Elizabeth.
Q Was an application ever made for your enrollment as a Cherokee Freedman? A Yes sir.
Q Who made that application? A Papa.
Q Do you know about when that application was made? A (No reply).

BY LOUIS T. BROWN:

Q Do you know where the Commission were at the time the application was made; was the Commission here when your father applied for you? A Yes sir, it was.

BY COMMISSION:

Q Did you ever send to the Commission a birth affidavit for the enrollment of a child of yours by the name of Luther S. Rose?
A Yes sir.
Q When did you send that affidavit to the Commission; about when?
A In May.
Q May of what year, last May? A Yes sir.
Q When was that child born? A 1900.
Q What day? A First of November.
Q Was it the first of November or the first of October? A First of November.
Q Who is the father of that child? A Luther Goldsby.
Q Was that child living when your father made application for your own enrollment as a Cherokee Freedman? A Yes sir.
Q Why wasn't the child included in that application? A I don't know.
Q Were you living with your father when he enrolled you? A No, I was in Vinita.
Q Did anyone ever apply to have this child enrolled before the time you sent in this affidavit? A No sir.

Viola Brown.

Q Did your father know that you had this child when he made his application? A No sir.
Q I understand you to say then, that your father didn't know this child was living when he applied for enrollment, is that correct? A Yes sir.
Q And that is the reason he didn't include the child in the application he made? A He didn't know it.

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R. Palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R Palmer

Subscribed and sworn to before me this 2nd day of February, 1903.

Samuel Gorman
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Grant Rowe et al., as Cherokee Freedman, consolidating the applications of:

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|---|---|
| Grant Rowe, et al., | Cherokee Freedman D 621, |
| Lewis Rowe, | Cherokee Freedman D 622, |
| Jeff Rowe, et al., | Cherokee Freedman D 690, |
| Henry May, et al., | Cherokee Freedman D 794, |
| George Rowe, | Cherokee Freedman D 1068, |

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D E C I S I O N.

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The record in this case shows that applications for enrollment as Cherokee freedman were made to this Commission by Grant Rowe for himself and wife, Angeline Rowe; by Lewis Rowe for himself; by Jeff Rowe for himself and minor children, Grant, Viola and Leola Rowe; subsequently, to-wit, on June 30, 1902, there was filed with this Commission an affidavit showing the birth on November 1, 1900, of Luther G. Rowe, child of the applicant, Viola Rowe; by Henry May for himself and wife, Elizabeth May, and minor stepson, Samuel Lock; and by George Rowe for himself. As the applications for the enrollment of the said Luther G. Rowe and Samuel Lock have been otherwise disposed of, their rights to enrollment as Cherokee freedman will not be considered in this decision. Copies of the testimony taken at different times and places in the cases of Abraham Ward, C.F.D. 607 (R 283), or Beau Fox, C.F.D. 508, of Daniel Thompson, C. F. D. 606, of Nelson Murrell, C. F. D. 548, of Peter Ward, C. F. D. 613 (R. 282) and of Harish Reynolds et al., C. F. D. 602, are filed herewith and made a part of the record herein.

The evidence in this case shows that the applicants, Grant and Lewis Rowe are children of Dan and Nina Rowe, both deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents; that the said Dan and Nina Rowe were slaves of Chero-

Rose citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the applicant, Angeline Rowe is a daughter of Rosu and Nancy Fox, was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents. In Cherokee Freedman D 508, the Commission has heretofore found that the said Rosu and Nancy Fox did not return to the Cherokee Nation after the close of the rebellion within the time specified in the above mentioned Whitmire decree, and, on August 31, 1904 (Departmental letter I.T.D. 6756-04), said finding was approved by the Department.

The evidence further shows that the applicant, Jeff Rowe, is a son of the said Dan Rowe, deceased, and one Harriet Rowe, who was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation, and died in Kansas, during said rebellion; that said applicant was the slave of a Cherokee citizen at the commencement of the rebellion, was taken, by his father, from the Cherokee Nation, during said rebellion, and it is not established by satisfactory evidence that he returned thereto within the time specified in said Whitmire decree. The minor applicants, Grant, Viola and Leola Rowe, are children of the said applicant, Jeff Rowe, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

The evidence further shows that the applicants, Elizabeth May and George Rowe are children of the said Dan and Harriet Rowe; that the said Elizabeth May was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents; and that the said George Rowe, and the applicant, Henry May, were slaves of Cherokee citizens at the commencement of the rebellion, were taken out of the Cherokee Nation during said rebellion and did not return thereto within the time specified in said above mentioned Whitmire decree.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case shows that the said Dan and Mina Rowe returned to the Cherokee Nation, after the close of the rebellion, in company with, among others, , Peter and Abraham Ward. In C.F.D. 613 and 607 ( R 283- R 282), this Commission has heretofore found that the said Peter and Abraham Ward did not return to the Cherokee Nation, after the close of the rebellion, within the time specified in said Whitmire decree, and, on April 29, 1904 (Departmental letter 3254-04), said finding was approved by the Department.

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The applicant, Jeff Rowe, introduces Abraham Ward and Peter Martin as proof that he returned to the Cherokee Nation, after the close of the rebellion, within the time specified in the Whitmire decree; the first above named witness has been repeatedly contradicted, and impeached in numerous cases (see, in particular, Mary Watson C.F.D. 944 and Alfred McNair C.F.D. 1181), before this Commission, and his testimony is practically worthless. In C.F.D. 314, it was found by this Commission that the second above named witness, Rose Marariah, did not return to the Cherokee Nation, after the close of the rebellion, within the time specified in the Whitmire decree, and, on October 13, 1904 (Departmental letter I.T.D. 6668-04), said finding was approved by the Department.

There may be some doubt as to whether or not the applicant, Elizabeth May, was born prior or subsequent to the commencement of the rebellion; in this connection attention is called to the fact that after the close of the rebellion, she returned to the Cherokee Nation with her grandfather, Jesse Rowe, and that the said Jesse Rowe returned to the Cherokee Nation after the close of the rebellion, in company with his son, the said Dan Rowe, and the said above mentioned Peter and Abraham Ward.

The applicant, Henry May, testifies that he returned to the Cherokee Nation, after the close of the rebellion, with Peter Hudson, but his mother, Mariah Reynolds, testifies that said applicant returned with her. In C. F. D. 604 (1332), Peter Hudson testifies that only his family returned with him, and his witnesses, Allen and Anderson Lynch and Sam Webber, do not then identify this applicant as having returned at that time, although they are asked to name those who composed the party returning with Peter Hudson. The preponderance of the testimony indicates that the applicant, Henry May, returned to the Cherokee Nation, after the close of the rebellion, with his mother, Mariah Reynolds. In C. F. D. 802, the Commission has heretofore found that the said Mariah Reynolds did not return to the Cherokee Nation, after the close of the rebellion within the time specified in the said Whitmire decree, and, on September 10, 1904 (Departmental letter I.T.D. 7146-04), said finding was approved by the Department.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Grant Rowe, Angeline Rowe, Lewis Rowe, Jeff Rowe, Grant Rowe (son of Jeff Rowe), Viola Rowe, Leola Rowe, Henry May, Elizabeth May, and George Rowe, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
APR 19 1905

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible] Room,
[illegible], I. T.
[illegible]-1-1-1900.
Registrar.

Cherokee Freedman
D-690.

Muskogee, Indian Territory, July 5, 1904.

Jeff Rowe,

Wimer, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your daughter Viola Rowe, and her child, Luther O. Rowe, as Cherokee Freedmen,,you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether the father of said Luther O. Rowe, is a Cherokee freedman and entitled to enrollment as such.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M., on Wednesday July 27, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission especially desires the testimony of Luther Goldsby, the alleged father of said child.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen
Docket.

Muskogee, Indian Territory, July 8, 1904.

Viola Rowe,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and minor child, Luther E. Rowe, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether the father of said Luther E. Rowe is a Cherokee freedman and entitled to enrollment as such.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A. M. on Wednesday July 27, 1904, and introduce testimony as above indicated.

In this connection you are advised that the Commission especially desires the testimony of Luther Goldsby, the alleged father of said child.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

D-[illegible].

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Viola Rowe and her minor child, Luther G. Rowe, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether the father of said Luther G. Rowe is a Cherokee freedman and entitled to enrollment as such.

The applicant has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M., on Wednesday, July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as may be desired in rebuttal of that offered by the applicant.

In this connection you are advised that the Commission especially desires the testimony of Luther Goldsby, the alleged father of said child.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
B-696.

Muskogee, Indian Territory, August 10, 1904.

Jeff Rowe,

Wimer, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment as a Cherokee freedman, of your grandchild, Luther G. Rowe, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not the father of the said Luther G. Rowe is a Cherokee freedman and entitled to enrollment as such.

You are therefore hereby directed to appear before the Commission at its offices at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 15, 1904, and introduce the testimony of such witnesses as you may be able to procure touching on the point above mentioned.

Respectfully,

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

D-690.

Muskogee, Indian Territory, March 18, 1908.

Jeff Rowe,

Vesta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 11, 1908, relative to your enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

E-600.

Muskogee, Indian Territory, April 19, 1902.

Jeff Rowe,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1902, rejecting, among others, the application for the enrollment of yourself and your minor children, Grant, Viola and Leola Rowe, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Incl. E-4

Register

COPY

Cherokee Freedmen

D-[illegible], et al.

Muskogee, Indian Territory, April 15, 1908.

Edgar Smith,

Attorney for Grant Rowe, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 13, 1908, rejecting, among others, the applications for the enrollment of Grant, Angeline, Lewis, Jeff, Grant, Viola and Leola Rowe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Encl. S-7.
Register

Copy.

[illegible]

[illegible]

Muskogee, Indian Territory, April 19, 1906.

Dale, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications for the enrollment of Grant, Angeline, Lewis, Jeff, Grant, Viola, Leola and George Rowe, Henry and Elizabeth May, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby,
Chairman.

Incl. 6-8

Commissioner Tribal
Rolls, 98 Ind.

Washington, Indian Territory, April 18, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Grant Rowe, et al., including the Commission's decision dated April 18, 1906, rejecting the applications for the enrollment of Grant, Angeline, Lewis, Jeff, Grant, Viola, Louis and George Rowe, Henry and Elizabeth Ray as Cherokee freedmen.

Respectfully,

Encl. 2-9

SIGNED. Tams Bixby.
Chairman.

Through the

Commissioner of Indian Affairs.

( COPY )

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 18, 1906.

Land,
Enrollment.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Grant Rowe for himself and wife, Angeline Rowe; by Lewis Rowe for himself; by Jeff Rowe for himself and his minor children, Grant, Viola and Leola Rowe; by Henry May for himself and his wife, Elizabeth May, and by George Rowe for himself.

April 19, 1906, the Commission decided adversely to all the applicants.

The records shows that the applicants, Grant and Lewis Rowe are the children of Dan and Nima Rowe, both deceased, were born since the beginning of the war of the rebellion and possess no rights to enrollment other than as descendants of their said parents; that the said Dan and Nima Rowe were the slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken from the Cherokee Nation during said war and did not return to said Nation on or before February 11, 1867; that the applicant, Angeline Rowe is the daughter of Ezau and Nancy Fox, born since the beginning of the war and possesses no rights to enrollment other than as a de scendant of said parents and it has been heretofore decided, with the approval of the Department, of August 31, 1904 (I.T.D.6736-1904), that Ezau and Nancy Fox did not return to the Cherokee Nation on or before February 11, 1867.

The record further shows that Jeff Rowe is a son of Dan Rowe, deceased, and was Harriet Rowe who was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from the Cherokee Nation and died in Kansas during said war; that the applicant was the slave of a Cherokee citizen at the beginning of said war, was taken by his father from the Cherokee Nation during the war and it is not established that he returned thereto on or before February 11, 1867. The minor applicants, Grant, Viola and Lucia Rowe are the children of Jeff Rowe, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

The record further shows that the applicants, Elizabeth May and George Rowe are the children of Dan and Harriet Rowe; that Elizabeth May was born since the beginning of the war of the rebellion and possesses no rights to enrollment other than as a descendant of her parents; that the said George Rowe and Henry May were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation during said war and did not return on or before February 11, 1867. None of the applicants or his ancestors is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.W.
W.

Cherokee F.,
D. 681 et al.

Muskogee, Indian Territory, July 14, 1906.

Soper, Knablebery & Owen,
Attorneys for Grant Rowe, et al.
Muskogee, Indian Territory.

Gentlemen:

In reply to your letter of July 10th, you are advised that you have been entered as attorneys of record in the matter of the application for the enrollment as Cherokee freedmen of Grant Rowe, et al., and will be advised of any further action taken in said cases.

Respectfully,

Commissioner.

LMC

6011l. S.R.

DEPARTMENT OF THE INTERIOR, LRB

I.T.D.8452-1906.
8442- "
8443- "
8455- "
L.R.S.

WASHINGTON. November 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs dated May 12, 1905 [Land 31188], the decision of the Commission to the Five Civilized Tribes dated April 19, 1905, denying the applications for the enrollment of Grant Rowe, Angeline Rowe, Lewis Rowe, Jeff Rowe, Grant Rowe (son of Jeff Rowe), Viola Rowe, Leola Rowe, Henry May, Elizabeth May, and George May as Cherokee freedmen is hereby affirmed.

Motions for review therein, filed on behalf of George Rowe (I.T.D.8451-1905), and Jesse (or Jeff) Rowe et al. (I.T.D.8455-1905), filed with the Department September 7, 1905, by Messrs. McGowan, Serven & Mehan, are hereby denied.

A copy of Indian Office letter of May 12, 1905, relative thereto, is inclosed.

The Commissioner of Indian Affairs is requested to notify local counsel of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 15 to Ind.Of.

Cherokee freedmen
D-690.

Muskogee, Indian Territory, November 24, 1906.

Jeff Rowe,

Vinar, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1906, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 13, 1906, and a motion for review of your case filed by your attorney September 7, 1905, is denied.

Respectfully,

JMK.

Commissioner.

Cherokee freedmen
Grant Rowe et al.

Muskogee, Indian Territory, November 24, 1906.

Soper, Mucklebery & Owen,
Attorneys for Grant Rowe, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, rejecting the applications of Grant Rowe, et al. for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 13, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. E-7.
J.M.M.

Commissioner.

Cherokee freedmen
D-681 et al.

Muskogee, Indian Territory, November 24, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1906, rejecting the applications of Grant Rowe, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 13, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.N-8.
JMM.

Commissioner.

v. 690

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190..

Given under my hand this .....

day of ..... A. D. 190..

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of SEP 23 1901 190...

Mellette & Smoot
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 25 1901

Acting Chairman.

# NOTICE!

IN THE MATTER OF the application of Jeff Rowe
for enrollment as Cherokee Freedman
Case No. 1-10 690

To Jeff Rowe or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on Oct. 26th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 23 1901

L B Bell

N. N. Hastings

J. J. Davenport

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 11 1901
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

[illegible]

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Freedmen of the Cherokee Nation.

Mellette & Lewis
Attorneys for applicants.

No. [illegible]

Vinita Indian Territory, 2/6 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in CR-606

Luthi D. Rowe

Bell and Bell

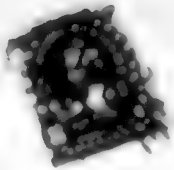
Attorney for Applicant.

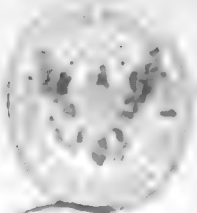
REGISTERED
APR 21 1904
VINITA, IND TER

Department of the Interior

MUSKOGEE, IND. TER.

inclosure to
[illegible]





[illegible]

[illegible]

Cher. Fr. R. 974

Trans. from Cher. Fr. D. 693

Cher. Fr. R. 974

A. T. C.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

| | | | |
|---|---|---|---|
| Katie Ridge, | Cherokee | Freedmen | D 295 |
| Cornelius Ridge, et al., | " | " | D 306 |
| Phoebe Johnson, et al., | " | " | D 349 |
| Henry C. Ridge, | " | " | D 450 |
| Ida Jones, et al., | " | " | D 647 |
| Ary Lynch, | " | " | R 70 |
| Elnora Vann, | " | " | R 113 |
| Maud Rile , et al., | " | " | D 591 |
| Rosa Vann, et al., | " | " | D 594 |
| William Townsend, | " | " | D 636 |
| Mollie Townsend, et al., | " | " | D 651. |
| Dennis Hicks Jr., et al., | " | " | D 355 |
| Joshua Holt, et al., | " | " | D 544 |
| Sallie Miller, | " | " | D 648 |
| Mary Johnson, | " | " | D 864 |
| Ruth Vann, et al., | " | " | D 066 |
| Frank Johnson, et al., | " | " | D 875 |
| Eliza Hawkins, et al., | " | " | D 358 |
| Joseph Hicks, et al., | " | " | D 360 |
| Katie Hicks, | " | " | D 361 |
| James A. Hicks, | " | " | D 362 |
| Frances Johnson, et al., | " | " | D 676 |
| Anna Butler, et al., | " | " | D 979 |
| Howard Bushyhead, | " | " | D 907 |
| Katie Davis, | " | " | D 953 |
| Moses Riley, et al., | " | " | D 258 |
| Andrew Riley, et al., | " | " | D 260 |
| Jesse Riley, et al., | " | " | D 261 |
| Frank Riley, et al., | " | " | D 262 |
| Jerry Riley, et al., | " | " | D 263 |
| Fannie Scott, et al., | " | " | D 266 |
| Delilah Johnson, et al., | " | " | D 267 |
| Bettie Johnson, et al., | " | " | D 268 |
| Jane Riley, | " | " | D 600 |
| Daniel Thompson, | " | " | D 608 |
| Elick Ward, et al., | " | " | D 623 |
| Sandy Thompson, | " | " | D 693 |

| | | |
|---|---|---|
| Ruth Riley, et al., | Cherokee Freedmen | D 670 |
| Hannah Riley, | " " | D 680 |
| Charles Landrum, | " " | D 681 |
| Nettie McIntosh, | " " | D 683 |
| William Riley, | " " | D 683 |
| Carrie Gibson, | " " | D 724 |
| Cora V. Wagoner, et al., | " " | D 37 |
| Arthur Riley, | " " | D 671 |
| Elizabeth Melton, et al., | " " | D 641 |
| Julius Curls, | " " | D 269 |
| Riley Curls, et al., | " " | D 270 |
| Ophelia Thompson, et al., | " " | D 271. |

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Wilton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Ethel Wilson; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ary Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elmera Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Nollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie Willard, Clifford and Mauselia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Willie Chinnett, consequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to the George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Lucile Johnson, child of the applicant, Frank Johnson, by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks, by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Willie Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, William Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl B. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James M., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Nalls, Rila and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beatrice Berle, child of the applicant, Riley Berle; and by Ophelia Thompson for herself and minor children, Alpha, Lizzie, Hirschel, Marvel and Clyde Thompson.

Copies of the following testimony, decisions and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March [illegible], and Departmental letter of May 17, 1904 (I.T.D. 3[illegible]-04), in the case of Ed Mann, C.P.D. 8[illegible], its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, [illegible]), in the cases of Jesse Mann et al., C.P.D. 254 (R 362), and Emma Purtle C.P.D. 263; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 9, 21, and 25, 1904 (I.T.D. 436[illegible], 5025-5054-04), in the cases of Esther Holt, C.P.D. 645 (R 443), Tecumseh Holt, C.P.D. [illegible] (R 396), William Holt, C.P.D. 694 (R 398), and Moses Holt, C.P.D. 1[illegible] 145, its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 475[illegible]); in the consolidated case of Katie Thornton et al., C.P.D. 878 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1901, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.P.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.P.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.P.D. 818, Aaron Webber C.P.D. 216, Elizabeth Waiga, et al., C.P.D. 391, Samuel Beck, et al., C.P.D. 775, David Johnson, C. P. D. 356, Abraham Ward, C.P.D. 607 (R 283), and of Peter Ward, C.P.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Perry, Herbert, Brown and Joan Riley, Hand Riley, Rosa Vann, and William Townsend, are children of the applicant Rosella Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelius Jones, are children of the applicant Ida Jones, were born since 1900, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelius Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Vann is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Hand Riley, was born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John T. Riley, is a child of the said applicant Hand Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1880, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Emma Turtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 264 and 265 the Commission found that the said Jesse Vann and Emma Turtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 3212-3694-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Holt

and Sallie Miller, [illegible] of the Mother Nation, and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence thereon within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation, that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Nina Beason, Jessie, Willard, Clifford and Faucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 623 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndle E. Hawkins, Joseph, Otto A., Katie and James T. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

[illegible], Joseph, [illegible], [illegible], [illegible], Elmer, [illegible], [illegible], [illegible], Lottie, [illegible], [illegible], [illegible], Arizona, [illegible], [illegible], [illegible] the Commission finds [illegible] wife of the applicant Frank Riley, and mother to the applicants, Lottie, Fannie, James, Ralph, Arizona, [illegible] and [illegible] grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October [illegible], its finding was approved by the Department, [illegible], [illegible], Amanda, Mariah, Maggie, Calvin, Martha, Ella and Leona [illegible], Charles Wesley Miller, Jessie and Jennie Scott, [illegible], [illegible], [illegible], Jesse, Alfred, Rose, Della, Ella, Harriet, [illegible], [illegible], Filbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, [illegible], [illegible], Irene, Jesse and Maine Ward, Lenora Odine Miller, Charles [illegible], Lettie McIntosh, William Riley, Carrie Gibson, Nora [illegible], and [illegible] Wagoner, Arthur Riley, Elizabeth and Elmore Melton, [illegible], Willie, Edward, James, George, Stephenia and Beatrice Curls, (Nee Nancy Curls, S.F.D. 412, who was denied enrollment by the Commission is the mother of the six last mentioned applicants, Ophelia, Alpha, Libbie, Hiscnel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, [illegible] and Hannah Riley, Fannie Scott, Lottie [illegible], Daniel [illegible] Thompson, and Elick and Amanda Ward, and of the said Elick [illegible], deceased, Maria McNair, deceased, and Willie McNair, deceased, Ben Lawrence, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

[illegible] Tennessee, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in fact is controverted by the testimony of witnesses and were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Brown, et al. (I.T.D. 344-04), William Hector (I.T.D. 14[illegible]), Lizzie Thomas et al. (I.T.D. 16[illegible]-04), Samantha Chambers, (I.T.D. 2[illegible]-04), Eli Williams (I.T.D. 4270-04), Martha Albert et al., (I.T.D. [illegible]), and Moses Ross (I.T.D. 6016-04), and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1[illegible]-04), and Thomas Mayfield et al. (I.T.D. 6960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Hettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Hettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.D. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Hettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Hettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1865, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

[illegible] there is no doubt. [illegible]
[illegible] witnesses have been [illegible]
[illegible] after the [illegible] it
[illegible] of the party of freedmen [illegible]
[illegible] 1866, and it is fully [illegible]
[illegible] was not a member of that party. In support
[illegible] attention is called to the fact that the personnel
[illegible] said party was thoroughly gone into by the
[illegible] in C.F.D., and numerous witnesses, among other,
[illegible] Whitmire, examined on behalf of both parties, and
that, too, at a time when the facts must have been fresh in their
minds, and no particular advantage was to be had by misrepresenting
who were included in said party, with one accord testify as to
who composed this colony of freedmen, and the said Anderson Johnson
is never named as one of them. By reason of changed conditions,
the experience of the former Commission and of this office, in
their investigations relative to the personnel of said colony of
freedmen, has been somewhat different from that of the Chambers
Court, but generally the conclusions reached have been the same.
It seems to have been the policy of those witnesses appearing be-
fore the Commission, who were members of the above mentioned colo-
ny of freedmen, to add to said colony as occasion required, but
after an examination of a great number of freedmen cases in which
the above named witnesses testified, it cannot be found that they
ever included Anderson Johnson as a member of this colony, until
they were called upon as witnesses in behalf of his descendants,
although they were often asked to, and as often did, name those
who returned with them in 1866.

As to the return of Riley McNair, deceased, to the
Cherokee Nation after the rebellion: Moses Hardrick, in behalf
of the descendants of the said Riley McNair, testifies that, after
the rebellion, he and Riley McNair returned to the Cherokee Nation
together. In C.F.D. 314, the Commission found that the said
Moses Hardrick did not return to the Cherokee Nation within the
time specified in the Whitmire decree, and on October 13, 1904,
its finding was approved by the Department. It was several months
after the above indicated trip before Riley McNair moved his wife
and family to the Cherokee Nation. One Emma Purtle, daughter
of the said Riley and Maria McNair, removed from the Cherokee Na-
tion during, and returned thereto after, the rebellion, with her
father's family. In C.F.D. 265, the Commission found that the
said Emma Purtle did not return to the Cherokee Nation within the
time specified in the Whitmire decree, and on November 12, 1904,
its finding was approved by the Department. The said Columbus
Rogers, deceased, returned to the Cherokee Nation after the rebellion,
with the said McNairRRiley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1861, and is corroborated by her [illegible] Ben Landrum. No credit can be given the testimony of the said Ben Landrum as he has been repeatedly contradicted and [illegible] In particular, [illegible] 1900 [illegible] 1900. No doubt, point blank, that Katie [illegible] applicant herein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and [illegible] to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Nettie Nelstead, and that the said two last named applicants were born in 1[illegible] and 1[illegible], respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 166[illegible], '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 542, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 513 ( R 282 ), and D 607 ( R 283 ), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5643, 11776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied, and that under the provisions of Section Twenty-one of the Act last above [illegible] Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and [illegible] Ridge, [illegible] Milton, [illegible], [illegible] Milton, [illegible] Milton, and Pearl Milton, Henry C. Riley, [illegible] Martin, Eddie Martin, and Stella Martin, Cornelius Jones, Elmora [illegible], Maud Riley, Jesse Barnett and John C. Riley, [illegible] Vann, William Townsend, Willie Townsend, [illegible] Townsend, George Townsend, and Arthur Townsend, Lettie Hicks, [illegible] Hicks Jr., Delane Hicks, Mabel Hicks and Elmer Hicks, Joanna Holt, Jane Holt, Laura Beason, Ella Beason, Jessie Holt, Willard Holt, Clifford Holt and Marcelia (Marcella) Holt, Nellie Miller, Mary Johnson, Ruth Vann, Martha Chennett and Lillie Chennett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tandle [illegible] Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Lettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Dora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this: Oct. 13, 1905.

[illegible] AND BOOKS TO PAYMENT [illegible] JULY, 1908.

[illegible] OF THE COURT.

[illegible] AND BOOKS IN CASE [illegible] TO A STATE AND

[illegible] DEPARTMENT OF THE INTERIOR,
[illegible] THE FIVE CIVILIZED TRIBES.

FILED
21 [illegible]

[illegible]

[illegible] SUPERVISOR.

To be filed in the case of Daniel Thompson on C. F. D. #[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 6, 1901.

In the matter of the application of Daniel Thompson for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Appearances: Mellette & Smith, for applicant.

J. S. Davenport, for Cherokee Nation.

Q Give me your full name? A. Daniel Thompson.
Q How old are you? A. Well I can't hardly tell you; well I guess I am about 74.
Q What is your post office address? A. Madison.
Q In what district do you live? A. Coweesacoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir, I do
Q Do you want to apply for anybody besides yourself? A. Myself.
Q Just yourself? A. Just myself, nobody else.
Q How long have you lived in the Cherokee Nation? A. I have lived here a long time.
Q All your life? A. No sir, not all my life.
Q Did you come here before the war? A. Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q To whom did you belong? A. I belonged to a man by the name of Johnson Thompson.
Q Was he a well known and recognized Cherokee citizen? A. Yes sir.
Q Where did he live? A. On Grand river.
Q Where abouts on Grand river, near what place? A. I couldn't hardly tell you, but that he was living now very far from Maysville, Arkansas. Grand river is where we generally watered things at.
Q Were you here a good many years before the war broke out? A. Yes sir
Q Where were you during the war? A. I was up north.
Q Up in Kansas? A. Yes sir.
Q Where did you go in Kansas? A. Fort Scott.
Q When did you come back from Fort Scott? A. When peace was made.
Q Do you remember what year it was? A. No sir, I do not.
Q Do you remember what time in the year it was you came back? A. I came back in the fall of '66.
Q You think it was in the fall of '66 do you? A. Yes sir, I do; that is what I was told them.
Q How did you happen to come back ~~then~~ at that time? A. I visited the postoffice, and the postmaster told me.
Q Told you what? A. Told me that a lot of Cherokees were coming from the south, and I had a boy that went off with them, and he told me to come back to the south, to Gibson, that I would stand a chance to see some of the Cherokees, and they could tell me whether my boy was dead or alive.
Q And that is the reason you came back here? A. Yes sir, that is the reason I came back here.
Q Were you making inquiries about your boy? A. I did, and sent letters and the letters all come back.
Q How long had you been making inquiry about your boy and sending letters? A. Well it must have been, as near as I can remember now, it was over a year.
Q After the war closed? A. Yes sir.
Q That you had ben sending letters and making inquiries? A What we call inquiring letters; I sent two.
Q Are you on any of the rolls of the Cherokee Nation? A. Well I think I am.

The 1880 authenticated roll and the 1896 census roll examined

and the name of the applicant not found thereon.
Q Did you draw Strip money? A. Yes sir.
The Kern Clifton roll examined and the name of the applicant is found on page 151, No.3329, Daniel Thompson, Cooweescoowee district.
Q Is your wife dead? A. Yes sir; my wife was named Patience.
Mr Kellogg: Where did you return to when you came back to the Cherokee Nation after the war? A. I came back to Fort Gibson.
Q Where from? A. From Kansas, Fronfort Scott.
Q Did anybody come with you? A. None but my family.
Q And they are all dead? A. They aint all dead; my wife is dead
Q Where are your children? A One of my children is here. Two of my children have gone home and I expect they will be here today some time.
Q Are your children applicants? A. Yes sir
COMMISSIONER: Give me the names of your children that are alive? A.
A Andrew Watie.
Q You dont call him Andrew Thompson? A. No sir he didn't belong to the same man I did.
Q How old is Andrew Watie? A. He is about 34.
Q What is the next of your children? A. Sandy Watie.
Q How the next one? A. Is a girl, Mandy Watie.
Q Is she married now? A. Yes sir.
Q What is her name? A. Mandy Freeman.
Q Have you any more children living? A. I have only three.
Q What is the name of your wife? A. Patience Watie.
Q Did she belong to a man named Watie? A Yes sir.
Q What was the name of her master? A. Stan Watie.
Q Now when was it you married this woman, Patience? A I married her in Texas.
Q When was it? A. It must have been— it has been so long I cant'tell.
Q Give me some idea about when it was, before the war or after the war?
A It was before the war.
Q Were you a slave in Texas before you were a slave in the Cherokee Nation? A. Yes sir.
Q Was it long before the war? A. I think it was somewhere about 15 years
Q Were you brought to the Cherokee Nation soon after you were married to this woman? A. Yes, I think I was brought here four years after I was married to her.
Q Did she come with you? A. Yes sir.
Q At the time the war broke out, was she the property of Stan Watie?
A Yes sir.
Q Was he a well known prominent Cherokee here? A. Yes sir.
Q Did your wife go with you when you went to Kansas during the war?
A Yes sir.
Q ~~Was he a well known prominent Che~~ Did she come back with you when you came back from Kansas after the war? A She did.
Q Have you lived in the Cherokee Nation ever since you came back from Kansas? A. Ever since.
Q Just after the war? A. Yes sir.
Q Did she continue to live with you after you come back? A Yes sir, up to the minute she died.

The Kern Clifton roll examined and the name of the applicant's deceased wife is found on page 151, No.3287, Patience Thompson, Cooweescoowee district.

Q Andrew, Sandy and Mandy, are these all the children of your wife Patience? A Yes sir.
Q Your own children by Patience? A. Yes sir.
J. S. DAVENPORT: Who did you belong to when you were a slave in Texas?
A A man by the name of Jacob Cross.
Q Was he a citizen of the state of Texas, or a citizen of the Cherokee Nation? A He was a citizen of Texas.
Q Who brought you to the Cherokee Nation before the war? A. Cross.
Q He brought you up here to a man that was a citizen of the Cherokee Nation? A. A man by the name of Johnson Thompson.
Q He was the father of Jim and Tommie Thompson? A Yes sir.

Q Most of them are living now at Vinita? A. Yes sir, I think they are; Jamie is.
Q You were up there when we were enrolling? A Yes sir.
Q But you didn't make an application? A. No sir, he asked me if I would need him, and I told him I didn't know.
Q Well you say you were living on Grand River when the war broke out? A Yes sir.
Q With whom were you living?A. With Johnson Thompson.
Q [redacted] Your wife, did she belong to Johnson Thompson? A. Stan Watie.
Q How far did Johnson Thompson and Stan Watie live apart? A. About nine miles.
Q When Grose brought you and your wife to the Cherokee Nation, he sold you and your wife to different parties? A. Yes sir, that is what he done.
Q Are you acquainted with Bill Noble? A. Yes sir.
Q Albert Morris? A. Yes sir.
Q What part of Kansas did you go when the war broke out? A. I went to Fort Scott.
Q Did you ever go to any other point in Kansas than Fort Scott? A Well, I just went around through the neighborhood; I didn't move off.
Q Any other town that you now remember? A I went to Lawrence and back to see my family.
Q Now what time of the year was it when you returned to the Cherokee Nation; spring, fall or summer? A As near as I can remember, I think it was in the fall, I am not certain, I believe it anyway.
Q Well did you bring your wife with you at the time you returned the first time ? A. No sir, not the first time; I had no place for her; I wanted to come and see and go back as quick as I could get back and fetch her.
Q Well you went to Fort Gibson when you first came? A Yes sir.
Q That was in the fall of the year? A. ~~Yes sir~~ I think it was.
Q You know whether it was crop time or harvest time? A. No it wasn.t crop time.
Q It was later than the making of a crop? A. Yes sir.
Q How long did you stay at Fort Gibson before you went back after your family? A The Cherokees kept coming in and I camped fully around there for something over a week.
Q Did you go back then to Fort Scott? A I went right back to Fort Scott and got my family.
Q You didn.t go back to Ottawa? A No sir, I had no business there.
Q You testified before the Kern Clifton Commission in your application A I think I did.
Q Didn't you in that testimony testify that you went to Ottawa,Kansas? A I went from here; I didn't live there.
Q And didn't you in the same connection say that you went back in August to Kansas? A. I dont remember anything about going back then.
Q Did you say August at the time? A. No sir, I dont think I did; I dont remember of going is August.
Q How long did you stay when you went back to Kansas at that time? A A I guess I must have staid about a week or maybe longer.
Q Did you testify before the Kern Clifton Commission that you staid three or four months? A No sir.
Q When you left Kansas this time to what point in the Cherokee Nation did you next come? A I came down on Big creek.
Q Didn't you testify before the Kern Clifton Commission that you came back to Island Ford on Grand river? A. I did.
Q Then you didn't come to Big Creek? A I came to Big creek when I came the first time.
Q I am asking if you went back to Kansas, when you came back? A I went to Island Ford that time.
Q What year was that? A. I cant remember; they said it was inside of '66 when I came down the second time. I didn't stay long on the place anyway.
Q Where were those children born? A. My oldest child he was born in Texas.
Q Where was the other one born? A Here in the Nation.

Q Where was Emily born? A. In the Bottom.
Q What Bottom? A. Here on Grand river.
Q Was of these was born in the Choctaw Nation? A. No sir.
Q Didn't you testify before the Kern Clifton Commission that one was born in the Choctaw Nation? A I dont think I did.
Q As a matter of fact wasn't one born in the Choctaw Nation? A No sir, they were all born on the river except Andrew, the older boy.
Q When you returned to Fort Gibson in the fall of the year, who did you see there that you knew before the war, if anyone? A. They were coming in from the south; I knowed a good many Cherokees.
Q Do you remember a single person that you saw in the fall of 1866? A I knowed a Cherokee by the name of Rattlingsgourd, and I noticed another fellow by the name of Arsena.
Q Did you see any other people that you remember the name and have heard of since the war, and Cherokees, white men, or Freedmen, niggers, or anything else? A Yes, I heard of a man by the name of Wash Sheppard.
Q Did you ever hear of Henry Meigs? A. I dont remember him.
Q Florein Nash? A. I dont remember.
Q Do you remember John G. [redacted]Schrimsher? A Yes sir I remember him
Q Do you remember of him being at Fort Gibson? A. No sir, I dont remember; it has been so long that I cant remember; I am not like you. You have got learning and I haven't.
Q Well now, uncle Daniel, when you came back to Island Ford, who was living there that you knew before the war? A. Fred Martin.
Q Any other men living over there? A. I dont know.
Q Where was Joe Thompson living? A I dont know.
Q Where was Dick Martin living? A. I heard of his living on the river. He lived on the Island Ford.
Q Do you know whether Dick Martin was living at the Joe Martin place when you returned? A. No wasn.t there; I dont remember; I dont know.
Q How long did you stay at Island Ford after you returned, or in that neighborhood? A Three or four days.
Q Then you took your family and went somewhere else? A. I went on some place else then on down.
Q Do you know where you went? A. Yes, I have been trying to know; I went to Fort Gibson then.
Q You didnit go to Grand river when you first returned from Kansas? A I did, right on.
Q Then when you returned from Kansas the second time you went to Island Ford on Grand river? A. Yes sir.
Q Who was living there when you got there the second time, when you brought your wife, Patience, back with you? A Al Lynch.
Q Where was Jim and Tom Thompson living when you returned with your family to Island Ford on Grand River, do you know? A. No sir, I dont know where they were living, to be certain.
Q Didn't you testify before the Kern Clifton Commission in substance as follows: " When I came back to Island Ford, Jim Thompson and Tom lived there." A I never said so, but they might have been there. I didn't say so because I don't know; it has been so long, I dont remember.
Q Now after you left Island Ford you moved over to Big creek? A Yes sir.
Q And living there now? A. Yes sir.
Q How far do you live from Albert Morris' place on Big creek. A I guess it must be about one and a quarter miles.

DAVID MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A. David Martin.
Q How old are you? A. 64.
Q What is your post office? A. Coffeyville
Q How long have you lived in the Cherokee Nation? A. I was born and raised here.
Q Were you a slave here before the war? A. Yes sir.
Q To whom did you belong? A To Joe Thompson; I didn't exactly belong to him; he was our guardian; I belonged to his brother's child.
Q Was your owner a recognized citizen of the Cherokee Nation? A Yes sir

Q Were you out of the nation during the war? A. Yes sir.
Q Where were you? A. I was in the army a part of the time.
Q Were you up in Kansas? A. Yes sir.
Q When did you come back after the war? A. I came back in '66
Q What time in '66? A In October, '66.
Q Are you on the roll of 1866? A Sir?, I ought to have been.
MR. Bellette: David, you do you know the enrollment, Daniel Thompson?
A Yes sir.
Q Do you know when he returned to the Nation after the war? A. He returned in '66. I met him when I was going home from the war. I met him going down to Sulphur Springs; said he was going to get a boy of his that Sam Vetie had taken south, a little boy he had lost; was going after him.
Q Where were you going? A. Going home from the army.
Q Where was your home? A. Back in Iowa.My wife was there where I married at.
Q You went on up to Iowa after that? A.Yes sir, and got my family.
Q And came back? A. Yes sir.
Q And when you were going there you met him at Sulphur Springs? A Yes sir met him going south.
Q Where is Sulphur Springs located? A Near Wolf creek.
Q Near what time? A. There was no town.
Q What post office is it close to now? A. I guess it must be Vinita.I reckon Chouteau; the town has been built up since.
Q Which way from Chouteau? A. I never was in Chouteau; I dont know whether it is west or north or east.
Q Is it close to Grand river? A. Yes, about five miles or six.
J. S. DAVENPORT: You were in the United States Army,were you Dave?
A Yes sir.
Q When were you mustered out? A. In '66
Q Where were you when you were justedred iut? A. At Baton Rouge,Louisianan discharged at Shreveport.
Q And you are sure you weren't mustered out until '66? A I was mustered out in '66
Q In the regular army? A. Yes sir.
Q What Company were you with? A Company 'G
Q Who was your commanding officer? A. Captain Hart.
Q What Regiment? A. 48th Colored Infantry.
Q Well you enlisted as under the name of David Martin? A. Yes sir, my young boss changed my name while I was in the woods so he could find me and hear from me.
Q Now you had known this man before the war, had you? A. Knowed him ever since '54; his owners, the Mormon's,brought him here in '54 ,and an old man by the name of Cross bought he and his wife and two children, and he worked with me about four years at the saw mill. Mormon was building it fro Joe Martin and Joe Lynch.
Q Where is that? A. At Spavinaw.
Q You enlisted in the army in what year? A. '64.
Q Where were you when you enlisted? A. I was in Iowa
Q Where were you when the war broke out? A. Cherokee Nation
Q You went up as far as Iowa when the war broke out? A. I skipped out of here when he was trying to take them to Texas and pulled my freight for Iowa.
Q You were not in the Cherokee Nation at the breaking out od the war?
A Yes sir in the Cherokee Nation.
Q What time in '61 did you skip out? A. February, '61.
Q The war hadn't begun at that time? A. Things were getting might warm then.
Q Had the war broken out when you left the Cherokee Nation? A I dont know whether they were fighting or not; it broke out in '61 along in May, I guess.
Q And where was it you met Daniel Thompson after the war? A. Close to these Sulphor Springs over on Wolf creek; it wasn't in '61, it was in '66.
Q I said after the war? A. I misunderstood.
Q How long after the war was it that you met him over there? A Peace

was declared in '62, and that was in '64 when I met him.
Q What makes you remember it was in '64? A. Because I was discharged in '64, and I was on my way home. If you had gone through the battles I went through, you would remember them all and have the time.
Q And you had come from Baton Rouge, Louisiana? A Yes sir.
Q Where were you going? A. I was going to Iowa.
Q What were you going through the Cherokee Nation from Louisiana? A It is south from here and I came up to the mouth of Helena and took up the Arkansas and came home.
Q You were discharged at Baton Rouge? A I was mustered out at Shreveport, discharged at Baton Rouge and went to New Orleans and was paid off, and then I took the steamer from there to Little Rock, from Little Rock to Fort Smith, and then from Fort Smith to Fort Gibson, and then went to Fort Scott, from Fort Scott I went to Lawrence, and from Lawrence to Leavenworth, and I took the steamer and run to St. Joe, took the railroad from St.Joe and went to the Mississippi river.
Q Why did you start to go from Leavenworth to St. Joe by steamer? A I had to take the steamer then.
Q What river is there at Leavenworth? A. Missouri river.
Q How far is it from Leavenworth to St. Joe? A. I dont know.
Q About 25 miles aint it? A. I guess it is, and may be farther.
Q One is on one side of the river and the other is on the other? A.
A Yes sir.
Q You started from New Orleans to Iowa? A. Yes sir.
Q And came to Helena and then come out in this direction? A Yes sir.
Q Did you ever get to Iowa? A. Yes sir, I went and got my children and am living with her yet.
Q You are not on the authenticated roll of the Cherokee Nation? A. No sir

Case continued by Stenographer, J. O. Rosson.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

( signed ) E. O. Rothenberger.

Subscribed and sworn to before me this 18th day of July, 1901.

(signed ) T. B. Needles,
Commissioner.

June 8th 1901.

DANIEL THOMPSON hearing continued. Former portion taken by Stenographer, E. O. Rothenberger.

APPEARANCES:
Messrs Mellette & Smith for applicant.
Mr. J.S. Davenport for Cherokee Nation

ALLEN LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A. Allen Lynch.
Q How old are you? A. 61 years old.
Q What is your post office? A. Vinita.
Q How long have you lived in the Cherokee Nation? A. Well, I have lived here all my life.
Q Were you out during the war? A. Yes sir.
Q Are you on the roll of 1880? A. Yes sir.
BY MR. MELLETTE: Do you know the applicant, Daniel Thompson? A Yes sir, I know him.
Q Do you know who owned him before the war in the Cherokee Nation or

anything about that? A. Yes sir.
Q Who? A. Johnson Thompson.
Q Where did he live in the Cherokee Nation? A. Living up there on Grand river at the Sotoman place now.
Q Was Johnson Thompson a Cherokee Indian? A. Yes sir.
Q Citizen of the Cherokee Nation? A. Yes sir.
Q Do you know when the applicant returned to the Cherokee Nation after the war? A I never seen Dan but once and he came down I think along in September of '66, going toward Fort Gibson, staid all night at Art Williams That is the only time I seen him; I never seen him for ten years afterwards.
Q Is that anywhere near the place where he formerly lived? A. About eight or ten miles below.
Q Where were you living at that time? A I was living there in the Six Mile Bottom then.
Q Where is that? A. That is over on Grand river.
BY MR. DAVENPORT: What year was that you were living in Six Mile Bottom? A I were there I think in September, if I dont mistake it was in September, '66.
Q Are you positive what year you went there? A Yes, I know it.
Q You are not making any mistakes are you? A. No sir, I know it.
Q You were there in September, 1866? A Yes sir.
Q How many years had you been living here when you saw this fellow? A I hadn't been living there any year.
Q Where is that Six Mile Bottom? A. Down there where Bogle lived.
Q Where does Bogle live? A. You know dont you; it is in Six Mile Bottom down there where Lost Dirteater.
Q Is that Six Mile Bottom in South Africa or Cherokee Nation? A In the Cherokee Nation on Grand river.
By COM'R BRECKINRIDGE-
Q NCar what ferry is that? A Closest ferry there now is Boland's ferry or Brown's ferry, that is about six ~~miles~~ or eight miles above there.
By MR. DAVENPORT: Now, there were not many people living in that country at that time were there, Al? A Yes sir there weew a good many people.
Q What people were living there? A. There were a good many Cherokees living on the other side of the river.
Q Well, name some of them? A. Thompson Sucker, Cullis Gary, and Steve Boney and Steve and Lewis Ross was the nearest that lived there at the ~~Dan Place~~ Daniel Place.
Q Well, were Jim and Tommy Thompson in that country at that time? A. Jim and Tom Thompson I think they had moved up; I aint certain, they moved up that fall, I aint certain.
Q Was Dick Martin living on the old Martin palce at that time? A. No sir.
Q Where was Joe Martin living at that time? A. In Texas I guess.
Q Well was he living there? A. He was not there.
Q Did this fellow have his family with him? A. No sir, he staid at Art Williams; stopped there.
Q How far was that from where you were living? A About four or five miles.

DANIEL THOMPSON, the applicant, recalled; ( By Com'r Breckinridge)
Q Now, one of these witnesses said that when he met you in 1854 you brought two children with you? A. I had two children and the other one was gone south.
Q Was Andrew one of the children? A. Yes, one of my children, but he was not with me, that is the one that was gone south.
Q He was not with you atgthe time this witness met you? A. No sir.
Q What to children was it that were with you at that Saw mill in 1854? A Samuel and Mandy.
Q Are they old enough to have been there in 1854? A (No response)
Q Are they older than Andrew? A. Andrew is the oldest child I had.
Q You saw he is 34? A He is the oldest boy I have.
Q Now, Andrew is the oldest boy you had, he was born about the close of the war? A Andrew was born in Texas and came on the war, was a little fellow and these other two were born down here on Grand river

Q Well what children did you have with you now 47 years ago, that would back in 1854? A I had andrew.
Q Well Andrew isn't 47 years old? A. It has been so long I dont know his age exactly, but he came to this country when he was a little fellow, just about could stand alone
Q Well what other children were with you? A. Sandy.
Q Sandy is younger than Andrew isn't he? A. Yes sir.
Q Sandy you say was born born after you come up here? A Yes sir.
Q Now, this man says you just come from Texas? A. When I come from Texas I had my two children, three children belonging to me the,
Q Well you had more than one child born in Texas, if you had three children then? A I brought my children here.
Q How many children were born there in Texas? A I didn.t have but one
Q Now, these three children Andy, Sandy, and Mandy? A They is my three children.
Q Now who owned them when thewar broke out? A. Stand Watie owned them, wife and all.
Q Where were these three children during the war? A. One of them was gone south.
Q Which one was that? A Andrew.
Q He went south? A. Yes sir, he went south with Stand Watie .
Q Where was Sandy and Sandy? A. They were here.
Q They were with their mother? A. Yes sir.
Q Did they come back when their mother came back? A. Yes sir.
Q When did Andy come back? A. He came back when the Cherokees all come back.
Q When did you first see Andy? A. I saw him in '66 at Fort Gibson.
Q Did you see him that first trip you made to Fort Gibson? A. Yes sir, I found him there.
Q Who was he with? A. A colored man by the name of Wash Sheppard.
Q

Com'r Breckinridge,-The applicant is identified on the Kern Clifton roll, but not upon the roll of 1880 or 1896. It appears that he was a slave in the Cherokee Nation and the slave of a Cherokee citizen at the breaking oute of the Civil war and that he went to the State of Kansas. He claims to have returned in 1866 in the fall, to have staid a very short time and went to Kansas and brought back his wife who is now dead and who is identified with him on the Kern Clifton roll, and also two of their living children, Sandy and Amanda. The applicant claims that he has lived in the Cherokee Nation ever since his returns in 1866. He will be listed for enrollment as a Cherokee freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. In the course of the testimony three children have been identified; as they will apply later and their claim will be derived through the father and mother, whose status is set forth in this testimony, it should, therefore, be here recorded that the mother was also shown to have been a Cherokee slave and in the Cherokee Nation at the breaking out od the Civil war, the same being true of the three children names. She went with her husband to Kansas during the war and returned with him, as he claims, in the year 1866. The same is true of these two children. The oldest child, Andrew Watie, was taken south; the applicant states that he met this child at Fort Gibson when he first arrived there in 1866.

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correct recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed ) J. O. Rosson

Subscribed and sworn to before me this 18th day of June, 1901.

(signed) T. B. Needles,
commissioner.

[illegible]

[illegible]

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[illegible]

[illegible]

FILED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 11th 1896.

In the matter of the application of Sandy Thompson for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Pulliette & Smith attorneys for applicant;

Frank Lemon Davenport, Cherokee Representative;

By Com'r Needles:

Q What is your name? A. Sandy Thompson.
Q What is your age? A. I dont exactly know my age.
Q About how old Sandy? A. About 48.
Q What is your post office address? A. Muskogee.
Q In what district do you live? A. Coweesoocooee.
Q Do you apply to be enrolled as a Cher kee freedman? A. Yes sir.
Q Who else do you want enrolled? A. Only myself.
Q Is your name on the roll of 1880? A. I dont know as it is.
Q What is your father's name? A. Daniel Thompson.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Patience Tompson.
Q Is she living? A. No sir.
Q Are you married? A. Yes sir.
Q What is your wifes name? A. Ophelia
Q Is she a Cherokee freedman? A. Yes sir.
Q Dont you apply for her? A. You enrolled her already.
Q And the children also? A. Yes sir.

By Smith-

Q Were you a born slave? A. Yes sir, My mother and father says I was.
Q Where do you live now? A. On Big creek.
Q Where is that? A In the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since I was small.
Q Have you any recollection of having lived any where else except in the Cherokee Nation? A. Not much.
Q No much? A. We returned to the Cherokee Nation a long time ago.
Q How old were you then? A. I dont know.
Q Are you a son of Daniel Thompson who applies here a few days ago for enrollment? A. Yes sir.
Q What did you say your mothers name was? A. Patience.

By Davenport_

Q You dont remember the breaking out of the war? A. No sir.
Q Do you remember when you came back after the war? A. No sir.
Q Have you been living here ever since you returned to the Cherokee Nation? A. Yes sir.
Q In what part of the Cherokee Nation? A. Big creek.
Q Who with? A. Mr Martin.
Q Near Tuck Sanders? A. Next of Tuck Sanders.
Q How far from Centralia? A. 7 or 8 miles north.
Q How far from Hill Noble? A. 7, or 8 miles I guess.
Q How far do you live from John Harris? A. 2 and 1/2 miles east.

ANDERSON LYNCH called and sworn as a witness for the applicant testified as follows:

By Mr. Smith:

Q What is your name? A. Evidgeon Lemah.
Q Where do you live? A. On Grand River.
Q How long have you lived in the Cherokee Nation? A. Born and raised here.
Q How old are you? A. 64.
Q Do you know this applicant? A. Yes sir.
Q Who was his father? A. Daniel Thompson.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. His father belonged to Johnson Thompson and he belonged to Stand Watie.
Q Did you testify in his father's case? A. Yes sir I did.
Q Do you know yourself when Daniel Thompson came back to the Cherokee Nation after the war? A. No sir.
Q You dont know when this boy was brought back ? A No sir.
Q Where was this boy when the war commenced? A. I was with them here at Waties' when theyxxx was taken out. Q Where was that.
A on the place up there?
Q Whose place? A. Stand Waties'
Q How far from where Vinita is now? A. 30 miles.
Q In the Cherokee Nation? A. Yes sir.

By Davenport-

Q Whom was that? A. In time of the war when they took Stand Waties' commissary off his place.
Q You dont know if they went north or south? A. They went north.

DAVID MARTIN, called and sworn by Commissioner Needles as a witness for the applicant, testified as follows:

By Smith-

Q What is your name? A. David Martin.
Q Where do you live? A. In the Cherokee Nation.
Q How long have you lived there? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q Did you know his father? A. Yes sir.
Q Did you know his mother? A. Yes sir.
Q Did you know them before the war? A. Yes sir.
Q Was this applicant born a slave? A. Yes sir.
Q Who did he belong to? A. To a man named Grett, I dont know his first name.
Q Who did he belong to when the war came up? A. To Stand Watie.
Q Where was Sandy Thompson when the war came up? A. On Maney Creek.
Q Where is that? A. In the Cherokee Nation.
Q When did you first see him again after the war back in the Cherokee Nation ? A I saw him in '72.
Q When did you see his father first? A. In '60.
Q Where? A. Near Tahlequah Springs going after one of his boys that Stand Watie had taken south.
Q Where was that? A. South east of here in the Cherokee Nation.
Q Do you know where that applicant was at that time? A. He was in Kansas
Q What time in '60 was that? A. October.
Q When did they start bring him here? A. They went back up there and got him.

Q Did you see him in 1867? A. No sir saw him in 67.

By Examiner-

Q And the next time you saw him was in 67? A. Yes sir.
Q That is the time that his father located there at Bill Nobles near Lake Kansas? A No sir I dont know how near it was to Lake, it was up there on Big creek.
Q Was you never at Bill Nobles place? A. No sir.
Q You know him dont you? A. No sir I am not acquainted with him, I have saw him.
Q How far do you live from them? A. I was living at Vinita now.
Q How far from him do you live now? A. 20 miles.
Q Not over there very frequently then? A. No sir.

By the Commission, of applicant

Q Did you draw your strip money? A. Yes sir.
Q Is your name on the roll of 1880? A. No sir,

Applicant not found on the authenticated 1880 roll.

Kern Clifton roll examined and applicant found as follows-
Page 151 No. 5880, Sandy Thompson, Goweegeeowee district.

Wallace roll examined and the applicant found as follows:
Page 142, No. 2877, Sandy Thompson , Delaware district.

Q Have you always lived in the Cherokee Nation? A. Yes sir, ever since I came back.

By Com'r Needles,-

Sandy Thompson applies for himself, he is not found on the authenticated roll of 1880; he swears that he is the son of Daniel Thompson who is listed on Cherokee Freedman D. Card 4606 and the testimony taken therein will be referred to and a copy thereof filed with the application at bar. Applicant is duly identified on the Kern Clifton and Wallace rolls and makes satisfactory proof as to residence, consequently he will be listed for enrollment as a Cherokee freedman on a doubtful card and he will be notified by mail of the final decision of the Commission in his case.

* * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 26th day of June, 1901, at Nowata, I. T.

Commissioner.

1/2613

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Dwood | 2 [illegible]

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., Dec 11, 1906

In the matter of the application of [illegible] Adams for enrollment as a Cherokee Freedman

Applicant appears by Mellette & Smith, Cherokee Nation, by W. W. Hastings

By Mr. Smith

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Lucas Whitmire, Trustee for the Freedmen, vs the Cherokee Nation, No. 17277 filed in the Mariah Hayden case F D 456, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit

Sandy Thompson, D 818;

By W. W. Hastings

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned on the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COPY

FOR

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of Moses Riley et al., as Cherokee Freedmen, consolidating the applications of:

| | |
|---|---|
| Moses Riley et al. | Cherokee Freedmen D 258 |
| Andrew Riley et al., | Cherokee Freedmen D 260 |
| Jesse Riley et al., | Cherokee Freedmen D 261 |
| Frank Riley et al., | Cherokee Freedmen D 262 |
| Jerry Riley et al., | Cherokee Freedmen D 263 |
| Fannie Scott et al., | Cherokee Freedmen D 266 |
| Delilah Johnson et al. | Cherokee Freedmen D 267 |
| Lottie Johnson et al. | Cherokee Freedmen D 268 |
| Jane Riley | Cherokee Freedmen D 600 |
| Daniel Thompson | Cherokee Freedmen D 606 |
| Nick Ward et al., | Cherokee Freedmen D 623 |
| Sandy Thompson | Cherokee Freedmen D 693 |
| Ruth Riley et al. | Cherokee Freedmen D 579 |
| Hannah Riley | Cherokee Freedmen D 569 |
| Charles Landrum | Cherokee Freedmen D 601 |
| Nettie McIntosh | Cherokee Freedmen D 903 |
| William Riley | Cherokee Freedmen D 603 |
| Carrie Gibson, | Cherokee Freedmen D 704 |
| Cora J. Wagoner et al. | Cherokee Freedmen D 570 |
| Arthur Riley | Cherokee Freedmen D 571 |
| Elizabeth Welton et al. | Cherokee Freedmen D 441 |
| Julius Curls | Cherokee Freedmen D 269 |
| Riley Curls, et al. | Cherokee Freedmen D 270 |
| Ophelia Thompson et al. | Cherokee Freedmen D 271 |
| Mollie Townsend et al. | Cherokee Freedmen D 651 |
| Emma Purtle | Cherokee Freedmen R 556 |
| Ellen Bean | Cherokee Freedmen R 674 |
| Walter Vann, et al. | Cherokee Freedmen R 675 |
| Frank Vann et al. | Cherokee Freedmen R 302 |

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and

minor child Nathaniel Riley, by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elmore, Ioeller and Luther T. Riley, by Frank Riley for himself and minor children, Lettie, Fannie, James, Ralph, Arizona and Inola Riley, thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 26, 1902 there was filed with the Commission an affidavit showing the birth on December 21, 1901, of Clarence Riley, an illegitimate child of the applicant Lettie Riley, by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller and Bessie and Vinnie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, and Harrison Johnson; by Lettie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself, his wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Randy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant Ruth Riley, by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Welton for herself and minor child Elnora Welton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant Riley Curls; by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson; by Mollie Townsend for herself and minor children, Rosa, George, Arthur and Ethel Townsend; by Emma Purtle for herself; by Ellen Bean for herself; by Walter Vann for himself and minor child, Waneta Vann; by Jesse Vann for himself and minor children, Frank, Riley and Lovat Vann. As the application of Jesse Vann has been differently classified, his right to enrollment will not be considered in this decision.

The records further show that on October 15, 1905,

the Commissioner to the Five Civilized Tribes rendered his decision herein denying, among others, all of the above mentioned applicants, except Emma Purtle, Ellen Bean, and Walter, Waneta, Frank, Riley, and Lovat Vann, the right to enrollment as Cherokee freedmen, which decision was duly forwarded to the Department, and thereafter, on July 9, 1904 (I.T.D.17884-1904), said case was remanded to the Commissioner for rehearing and readjudication; that on July 23, 1904, the Commission to the Five Civilized Tribes rendered its decision rejecting the applications for the enrollment of Emma Purtle, Ellen Bean, and Walter and Waneta Vann as Cherokee freedmen; that said decision was, on November 12, 1904 (I.T.D.8594-1904), duly affirmed by the Department. Thereafter, on September 18, 1906, the Department rescinded its said decision of November 12, 1904, and remanded said case to the Commissioner to be consolidated with the Cherokee freedmen cases of Moses Riley et al., and to be readjudicated with the same; and that, on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision rejecting, among others, the application for the enrollment of Frank, Riley, and Lovat Vann, as Cherokee freedmen; that said decision was, on May 11, 1904 (I.T.D.2412-1904), duly affirmed by the Department, and that thereafter, on October 12, 1906 (I.T.D.12379-1906), the Department directed that the rights of these children to enrollment as Cherokee freedmen be adjudicated in connection with the case of their alleged mother, the said Emma Purtle.

Further proceedings were had in this consolidated case at Garnett, Kansas, October 26, 1906, and at Muskogee, Indian Territory, December 7, 8, 10, 11, and 12, 1906. December 12, 1906, the Commissioner ordered that the cases of Daniel Thompson, D 606, Elick Ward, et al. D 623, and Sandy Thompson, D 693, be separated from the consolidated case of Moses Riley et al. The applicants in these three cases have several times been notified to appear and introduce testimony showing their right to enrollment as Cherokee freedmen, but have failed to do so. There is filed herewith and made a part of the record herein, a letter from Messrs. Starr & Patton, attorneys representing a majority of the applicants included in this case, dated January 17, 1907, referring to the three cases mentioned and stating that they "are unable to do anything with the case from the applicants' standpoint," and that "we will have no testimony to introduce in the case." The Commissioner's order of December 12, 1906, separating these three cases from the consolidated case of Moses Riley et al., is therefore hereby set aside.

Since this case was remanded to the Commissioner there have been filed herewith and made a part of the record herein, the following documents:

A certified copy of a marriage license issued on June 24, 1893, by the Clerk of Cooweescoowee District, Cherokee Nation, authorizing the marriage of Thos. E. Allen and Willie McNair;

A certified copy of the indictment, trial, and judgment of the Grand and Jury in the case of Riley Cowlo et al. in the United States District Court for the Western District of Arkansas, Fort Smith Division;

A certificate by the Clerk of Anderson County, Kansas, relative to whether the names of certain of the applicants herein appear upon the assessment records of Ungree Township, Anderson County, Kansas, during the years 1867, 1868 and 1869;

Six permits issued by the Clerk of Sequoyah District, Cherokee Nation, authorizing Jerry McNair, or Riley, to employ certain persons;

An application made by Lewis Whitmire to the Chamberlain Court of the Cherokee Nation, on June 24, 1878, for Cherokee citizenship;

A certified copy of an Act of the Cherokee National Council approved October 12, 1866, relative to the repeal of certain confiscation acts permitting Southern Cherokees to repossess themselves of their homes and effects December 1, 1866.

THE EVIDENCE IN THIS CASE SHOWS: That Samuel Riley, or McNair, and Maria Riley, or McNair, were the parents of the applicants, Mosey, Andrew, Jesse, Frank and Jerry Riley, Emma Purtle, Fannie Scott, Delilah Johnson, Lettie Johnson, and Willie Riley, or McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and the applicants, Mosey Andrew, Jesse and Jerry Riley, Emma Purtle, Fannie Scott and Lettie Johnson, and the applicants, Jane Riley, Daniel Thompson, Nick and Amanda Ward, and Mandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion, and that they were taken from the Cherokee Nation during said rebellion.

Since the case was remanded to the Commissioner for further proceedings no additional evidence has been submitted showing whether or not Jane Riley returned to the Cherokee Nation within the time limited by the Treaty of 1866, or to show that she possesses any right whatever to Cherokee freedman citizenship.

The applicant Ruth Riley, was born since 1866, is a daughter of Henry Thornton, deceased, and Katie Thornton, who were slaves of Cherokee citizens at the commencement of the war of the rebellion, but after ample opportunity having been afforded, the applicant has wholly failed to establish by satisfactory evidence that her said parents complied with the provisions of the Treaty of 1866, or to show that she possesses any right whatever to enrollment as a Cherokee freedman.

It is not shown, nor does it appear that it is claimed

that Hannah Riley possesses any right whatever to Cherokee freedman citizenship.

The evidence in the case shows that Harrison Johnson, deceased, father of the minor applicants, Allie, Luman, Jesse, Alfred, Nola, Nella, Ella, and Harrison Johnson, and Jane Riley, Daniel Thompson, Elick and Amanda Ward, Sandy Thompson, Ben Landrum, deceased, and Columbus Rogers, deceased, did not return to the Cherokee Nation, after the war of the rebellion, and establish an actual personal bona fide residence therein, as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137).

The applicants Lillie, Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Idoller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl R. (In C.F.D. 624 the Commission to the Five Civilized Tribes found that Mary Riley, mother of the seven last named children, was not entitled to enrollment as a Cherokee freedman, and its finding was affirmed by the Department October 31, 1904-I.T.D.8138-1904-), Clarence, Samuel, James M., Amanda, Mariah, Maggie, Calvin, Bertha, Ada, and Leona Riley, Charles Wesley Willer, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Nella, Ella, Harrison, Rebecca, Lufend, Wilbert, and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. and Oval Waroner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia, Clarence and Beattrice Curls, Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the war of the rebellion and possess no right to Cherokee freedman citizenship other than as descendants of the said Samuel and Maria Riley, deceased, and Moses, Andrew, Jesse and Jerry Riley, Fannie Scott, Lettie Johnson, Willie Riley, deceased, Jane Riley, Daniel Thompson, Elick and Amanda Ward, Sandy Thompson, Ben Landrum, deceased, Harrison Johnson, deceased, Columbus Rogers, deceased, Ruth Riley and Hannah Riley.

The Commissioner to the Five Civilized Tribes on February 23, 1907, rendered his decision rejecting the application of Jesse Vann, father of the applicants Mollie Townsend, Ellen Bean, Walter Vann and Frank, Riley, and Lovat Vann, for enrollment as a Cherokee freedman. It is therefore considered that the applicants Mollie, Rosa, George, Arthur and Ethel Townsend, Ellen Bean, Walter, Vaneta, Frank, Riley, and Lovat Vann, who were born since 1866, possess no right to enrollment as Cherokee freedmen other than as descendants of their mother and grandmother, the said Emma Purtle.

The only question remaining to be decided in this case is:

> Did Samuel Riley or McNair and his wife Maria Riley, and their children herein named, who were born at that time, return to the Cherokee Nation after the close of the war of the rebellion, within the time limited by the treaty of 1866, to entitle them to Cherokee freedman citizenship?

Since this consolidated case was remanded to the

Commissioner there have been introduced on both sides of the case forty-seven witnesses, whose testimony is exceedingly contradictory.

The applicants claim that Samuel Riley came to the Cherokee Nation in the spring of 1866; that he raised a crop of corn on the place of Jack and Susannah McNair, his former owners; that he remained in the Cherokee Nation during the summer of 1866; then returned to the state of Kansas, and in the fall of 1866 brought his family, including the said Moses, Andrew, Jesse, Frank, and Perry Riley, Fannie Scott, Delilah Johnson, Lettie Johnson, and Emma Purtle, directly to, and settled on, the Jack and Susannah McNair place, where they continued to reside during the years 1867 and 1868.

The evidence shows that Willie Riley, deceased, a daughter of said Samuel and Maria Riley, and mother of the applicants Julius, and Riley Curls and Ophelia Thompson, and grandmother of the minor applicants, Willie, Edward, James, George, Stephenie, Clarence and Beattrice Curls, and Alpha, Libbie, Hirschel, Harvey and Clyde Thompson, returned to the Cherokee Nation at a later date than the other members of her said family.

The testimony introduced on behalf of the Cherokee Nation shows conclusively that no crop was made on the Jack and Susannah McNair place by any member or members of this Riley or McNair family, in 1866, and that none of said family were on that place, after the war of the rebellion, earlier than, possibly, May, 1867.

The testimony introduced on behalf of the applicants to the effect that when the Riley family left the state of Kansas they went direct to the said Jack and Susannah McNair place in the Cherokee Nation, is uncontradicted. William Spriggs, who testified in the case at Garnett, Kansas, October 26, 1906, on behalf of the applicants, and on whose testimony it appears the applicants so much rely, states that this family left his place for the Cherokee Nation in the fall of 1866, but in an affidavit executed by him August 25, 1905, before a Notary Public, which affidavit is copied into and made a part of the record in this case, he states in reply to the question- "How did he (meaning Samuel Riley, or McNair) come to leave your farm?" that "Congress had passed an Act giving the freedmen an interest with the Indian s in the lands in the Cherokee Nation, provided they were there by a time specified in the Act, and I informed him of the passage of the Act and advised him to return in time to obtain that interest, and he left for that purpose."

There is in the possession of this office a Roll of the Cherokee People, made from a census taken in 1867, which roll was made under authority of Section twelve, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary

of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

| | |
|---|---|
| Going Snake and Delaware Districts | Volume 1 |
| Tahlequah and Saline Districts | Volume 2 |
| Canadian and Delaware Districts | Volume 3 |
| Flint, Sequoyah and Koo-wees-koo-wee Districts, | Volume 4 |

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken, Mr. Tompkins found there were 13566 Cherokee citizens residing in their nation, divided under the foregoing heads, as follows: Indians, 9588, Whites, 47, Halfbreeds, 2650, and Colored, 1281. The certificate of the census taker is found on the last page of Volume 4, and reads as follows, to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled or excluding therefrom the name of any person entitled to citizenship in the Cherokee Nation. The question as to whether

or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

It is therefore considered, in view of the record in this case and of the fact that no one of the applicants herein or any of the ancestors through whom they claim the right to Cherokee freedman citizenship is identified upon said roll of 1867, that they, or either of them did not return to the Cherokee Nation within the time limited by the treaty of 1866, to entitle them to Cherokee freedman citizenship.

Since the last proceedings had in this case, this office has secured from the Executive Secretary of the Cherokee Nation a list of the "Names of persons who have appeared, or have been duly summoned before the Commission on Citizenship of the Cherokee Nation, during the years 1878-79 and 80, and who have failed to establish their rights to Cherokee Citizenship;" which list was certified to by the Assistant Executive Secretary of the Cherokee Nation on the "18th day of April--" (record is worn and year not shown). Among others appearing in the list is the following:

| No. of Case. | Names of Claimants. | 1878-9 Decisions rendered. |
|---|---|---|
| Col. 81 | Riley McNair | By default. |

The failure of this colored person to prosecute his claim for Cherokee citizenship before the Cherokee Commission on Citizenship when his case was before that tribunal, which was at a time when the question as to the date of his return to the Cherokee Nation after the war of the rebellion could have been easily determined, is considered strong evidence of the fact that the conclusion herein reached that said applicants did not return to the Cherokee Nation prior to February 11, 1867, is correct.

The evidence herein further shows that the applicants, Ethel Townsend and Clarence Curls died prior to September 1, 1902, and affidavits to that effect are filed herewith and made a part of the record herein.

Section 25 of the Act of Congress approved July 1, 1902 (32 Stat. 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS THEREFORE ORDERED AND ADJUDGED: That, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), Moses Riley, Lillie Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Estelle Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, Leona Riley, Fannie Scott, Charles Wesley Willer, Bessie Scott, Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Nola Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Leford Johnson, Wilbert Johnson, Arch Johnson, Jane Riley, Daniel Thompson, Nick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward, Maine Ward, Maddy Thompson, Ruth Riley Lenora Odine Riley, Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner, Oval Wagoner, Arthur Riley, Elizabeth Melton, Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls, Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson Clyde Thompson, Mollie Townsend, Rosa Townsend, George Townsend, Arthur Townsend, Emma Purtle, Allen Bean, Walter Vann, Waneta Vann, Frank Vann, Riley Vann and Levat Vann, are not entitled to enrollment as Cherokee freedmen, and their applications for enrolment as such are accordingly denied,; and it is further ordered that, under the provisions of Section 25, of the Act of Congress above quoted the applications for the enrollment as Cherokee freedman of Clarence Curls and Ethel Townsend, should be, and the same are, hereby dismissed.

(Signed) Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory,
this FEB 27 1907

S. S. _____

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190_

Given under my hand this _____ day of _____ A. D. 190

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of SEP 23 1901 190

Mellette J. Sinnett
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A. D. 190_,

_____

Subscribed and sworn to before me this _____

_____
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

ACTING CHAIRMAN

# NOTICE!

*IN THE MATTER OF* the application of Sandy Thompson for enrollment as Cherokee Freedmen

Case No F D 693

To Sandy Thompson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 11 1901

ACTING CHAIRMAN

C. T. D. 692

23

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. SCHOLFIELD.
ALLEN A. SCHOLFIELD,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita I.T. Oct 11-1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Sandy Thompson for enrollment as Freedman of the Cherokee Nation.

McLoatte & Smith
Attorneys for applicants.

No. C.T.D 693

Cherokee Freedmen

1-691.

Muskogee, Indian Territory, October 13, 1908.

Sandy Thompson,

Nuteson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1908, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED:
Tams Bixby.
Commissioner.

Incl. 3-108
Register

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1908.

Oliver Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1908, rejecting the applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner,

Incl. S-222

Register

Cherokee Freedmen
Enrl. [illegible]

Muskogee, Indian Territory, October [illegible], 1906.

Bell, Hastings & Duncan,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1906, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Riggs, et al., Cherokee freedmen D-[illegible], et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby
Commissioner.

Incl. S-225

Muskogee, Indian Territory, October 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2212, 7024-1906), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Garnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Rettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Reeson, Ella Deeson, Jessie Holt, Willard Holt, Clifford Holt and Mauselia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Bettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Duskyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Secretary--2.

Johnson, Rebecca Johnson, Luford Johnson, Gilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Nettie McIntosh, William Riley, Carrie Gibson, Sora N. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Opholia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 535, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

Secretary-4.

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 ( I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

Secretary--8.

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 2429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. F 16.
LMB

Muskogee, Indian Territory, November 11, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion of C. P. Fogle, attorney for Moses Riley, et al., that the applicants embraced in the consolidated applications of, among others, Moses Riley, et al., Freedmen D-258, be enrolled "upon the testimony on file in the respective cases". It is stated in an affidavit attached to the motion signed by C. P. Fogle, that a copy of said motion was forwarded by registered mail to James H. Davenport and L. B. Bell, attorneys for the Cherokee Nation, and that the receipt of the post master was attached thereto. The registry receipt referred to was not received at this office with said motion.

The record in the matter of the application for the enrollment of Moses Riley, et al., was forwarded to the Department on October 13, 1908, the cases with which it was consolidated being styled Katie Ridge, et al., Freedmen D-295.

Respectfully,

Commissioner.

Incl. S-122

Through the

Commissioner of Indian Affairs.

—Copy—

Land

61897-91,000-1906.
71408-91,010-1906
71405-103,097-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

JTA

December 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 15, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jessy, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C.-Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Corneline Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Venn for his wife, Elmera Venn; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Venn for herself and her minor child, Josephine Venn; by William Townsend for himself; by Mallie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Nettie Hicks and his minor children, Leroy, Dennis, Jr., Delana Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Nile Brewer and minor children, Fannie, Willard, Clifford and Memphis (Marcella) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Beth Chiamott and for herself and her minor children, Bertha and Little Chiamott; by Frank Johnson for himself and his minor child, Lidia Johnson; by Eliza Hawkins for herself and her minor child, Cyndie R. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Bettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Hayes Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Nabel, Elmora, Idella, and Luther D. Riley; by Frank Riley for himself and his minor children, Lettie, Fannie, James, Ralph, Arizona, Clarence, Imola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie Calvin, Bertha, Ada, and Leona Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Bola, Delia, Ella and Warrison Johnson; by Lettie Johnson for herself and her minor children, Rebecca, Laford, Wilbert, and Arah Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Ervin, Harry, Ray, Dan, Effie, Troy, Jesse, and Eulee Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lemora Odine Riley; by Hannah Riley for herself; by Charles Lendrum for himself; by Bobbie Hairstock for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Ovel Wagoner; by Arthur Riley for himself; by Elizabeth Helton for herself and her minor child, Elmora Helton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha Libbie, Hershell, Harvey, and Clyde Thompson.

October 12, 1938, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants, Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Rettie and Joseph Kidd; that the applicants, Rettie Kidd, Joshua Bolt and Delilah Miller (children of one Esther Bolt), and Andrew Johnson, deceased, Rose Bushyhead, deceased, and Rettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Willie McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Hick and Amanda Ward, and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

[illegible]

of the applicants and their communications from Mr. [illegible] containing evidence in their behalf which have been carefully considered.

In view of the report that appears by the Superintendent's decision adverse to all the applicants is recommended.

Very respectfully,

[illegible],

Acting Superintendent.

[illegible]

DEPARTMENT OF THE INTERIOR, 112

R.G.,[illegible]. Washington.

I.T.D.17684. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen R. 298). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
D 258 et al.

Muskogee, Indian Territory, August 7, 1906.

W. O. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated.

| | |
|---|---|
| D 258 | Moses Riley, et al, |
| D 260 | Andrew Riley, et al, |
| D 261 | Jesse Riley, et al, |
| D 262 | Frank Riley, et al, |
| D 263 | Jerry Riley, et al, |
| D 266 | Fannie Scott, et al, |
| D 267 | Delilah Johnson, et al, |
| D 268 | Lottie Johnson, et al, |
| D 600 | Jane Riley, |
| D 606 | Daniel Thompson, |
| D 623 | Rick Ward, et al, |
| D 693 | Sandy Thompson, |
| D 579 | Ruth Riley, et al, |
| D 569 | Hannah Riley, |
| D 601 | Charles Landrum, |
| D 903 | Rettie McIntosh, |
| D 603 | William Riley, |
| D 704 | Carrie Gibson, |
| D 570 | Cora J. Wagoner, et al, |
| D 571 | Arthur Riley, |
| D 441 | Elizabeth Melton, et al, |
| D 269 | Julius Curls, |
| D 270 | Riley Curls, et al, |
| D 271 | Ophelia Thompson, et al, |

The applicants in these cases, and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases, they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, you will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Acting Commissioner.

Cherokee Freedmen
D 258 et al.

Muskogee, Indian Territory, August 7, 1904.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

| | |
|---|---|
| D 258 | Moses Riley, et al, |
| D 260 | Andrew Riley, et al, |
| D 261 | Jesse Riley, et al, |
| D 262 | Frank Riley, et al |
| D 263 | Jerry Riley, et al, |
| D 264 | Fannie Scott, et al, |
| D 267 | Delilah Johnson, et al, |
| D 268 | Lottie Johnson, et al, |
| D 600 | Jane Riley, |
| D 604 | Daniel Thompson, |
| D 623 | Klick Ward, et al, |
| D 693 | Sandy Thompson, |
| D 579 | Ruth Riley, et al, |
| D 589 | Hannah Riley, |
| D 601 | Charles Landrum, |
| D 303 | Bettie McIntosh, |
| D 603 | William Riley, |

| | |
|---|---|
| D 784 | Garvie Gibson, |
| D 870 | Gary F. Vaguer, et al, |
| D 871 | Arthur Riley, |
| D 641 | Elizabeth Melton, et al, |
| D 869 | Julius Garle, |
| D 870 | Riley Garle, et al, |
| D 871 | Ophelia Thompson, et al, |

The records of this office show that you and G. F. Fogle, Vinita, Indian Territory, are the attorneys of record for all of the above named applicants except Charles Landrum, D 601, whose agent is I. F. Riedson, Choutean, Indian Territory. You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, the Attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised.

Messrs. Fogle and Riedson, have this day been advised of the Department's action and of what will be required of the applicants, and before submitting the list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith copy of Departmentla letter referred to.

Respectfully,

M.A. Encl. 7-2.

Register.

Cherokee Freedmen
D 288 et al.

Muskogee, Indian Territory, August 9, 1906.

G. F. Eagle,

Attorney for Katie Ridge, et al,

Vinita, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

| | |
|---|---|
| D 288 | Moses Riley, et al, |
| D 260 | Andrew Riley, et al, |
| D 261 | Jesse Riley, et al, |
| D 262 | Frank Riley, et al, |
| D 263 | Jerry Riley, et al, |
| D 266 | Fannie Scott, et al, |
| D 267 | Delilah Johnson, et al, |
| D 268 | Lottie Johnson, et al, |
| D 600 | Jane Riley, |
| D 606 | Daniel Thompson, |
| D 623 | Elick Ward, et al, |
| D 693 | Sandy Thompson, |
| D 579 | Ruth Riley, et al, |
| D 569 | Hannah Riley, |
| D 601 | Charles Landrum, |
| D 903 | Bettie McIntosh, |
| D 603 | William Riley, |

| | |
|---|---|
| D 704 | Carrie Gibson, |
| D 570 | Cora F. Wagoner, et al, |
| D 571 | Arthur Riley, |
| D 441 | Elizabeth Melton, et al, |
| D 569 | Julia Curie, |
| D 570 | Riley Curie, et al, |
| D 571 | [illegible] Ophelia [illegible], et al. |

The records of this office show that you and Edgar Smith, Muskogee, Indian Territory, are the attorneys of record for all of the above named applicants except Charles Landrum, D 681, whose agent is I. P. Kledsoe, Choutean, Indian Territory. You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, the Attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised.

Messrs. Smith and Kledsoe, have this day been advised of the Department's action and of what will be required of the applicants, and before submitting the list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freedmen
D 488.

Muskogee, Indian Territory, August 7, 1906.

Sandy Thompson,

Eufaula, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

| | |
|---|---|
| D 288 | Moses Riley, et al, |
| D 260 | Andrew Riley, et al, |
| D 261 | Jesse Riley, et al, |
| D 262 | Frank Riley, et al, |
| D 263 | Jerry Riley, et al, |
| D 266 | Fannie Scott, et al, |
| D 267 | Delilah Johnson, et al, |
| D 268 | Lottie Johnson, et al, |
| D 600 | Jane Riley, |
| D 606 | Daniel Thompson, |
| D 623 | Elick Ward, et al, |
| D 693 | Sandy Thompson, |
| D 579 | Ruth Riley, et al, |
| D 569 | Hannah Riley, |
| D 601 | Charles Landrum, |
| D 903 | Bettie McIntosh, |
| D 603 | William Riley, |

| | |
|---|---|
| D 369 | Julius Curtis, |
| D 370 | Charlie Gibson, |
| D 370 | Cora F. Thompson, et al, |
| D 371 | Anthony Riley, |
| D 441 | Elizabeth Walker, et al, |
| D 370 | Riley Curtis, et al, |
| D 371 | Cybelle Thompson, et al. |

Your attorney, Edgar Smith, Muskogee, Indian Territory, and C. F. Pegle, Vinita, Indian Territory, have this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Acting Commissioner.

Cherokee Freedman
D 483

Muskogee, Indian Territory, November 6, 1906.

Sandy Thompson,

Hudson, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that on December 7, 1906, your case will be taken up for hearing at which time you will be permitted to introduce on your behalf the testimony of the witnesses whose names and addresses your attorneys, Starr and Patten, Vinita, Indian Territory, submitted to this office in their letter of November 1, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in your case.

Respectfully,

Commissioner.

MMP

Cherokee Freedmen
R 286 et al.

Muskogee, Indian Territory, November 8, 1906.

Starr & Patton,

Attorneys for Moses Riley, et al.

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of November 1, 1906, submitting a list of the names and addresses of the witnesses you expect to introduce on behalf of applicants in the Cherokee freedmen cases of Moses Riley, et al., you are advised that you will be permitted to appear before the Commissioner in Muskogee, Indian Territory, on December 7, 1906, and introduce the testimony of the witnesses named by you.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in these cases.

Respectfully,

MMP

Commissioner.

Cherokee Freedmen
P 246 et al.

Muskogee, Indian Territory, November 8, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of a letter from Starr and Patten, attorneys for applicants in the Cherokee freedmen cases of Moses Riley, et al., dated November 1, 1906, giving a list of the names and addresses of fifty-two witnesses they expect to introduce on behalf of applicants in the Cherokee freedmen cases of Moses Riley, et al.

You are advised that the applicants and their attorneys have this day been notified that they will be permitted to appear before the Commissioner to the Five Civilized Tribes on December 7, 1906, and introduce, on behalf of applicants, the testimony of the witnesses whose names and addresses they submitted.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in the case.

Respectfully,

MMP
Incl.P-8.

Commissioner.

(Copy)

November 1, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee Indian Territory

Dear Sir:

In the matter of the consolidated Cherokee Freedmen enrollment cases of Moses Riley et al we have the honor to submit the following as the list of witnesses on behalf of the applicants.

1----The applicants, in their own behalf.

2----Christian Shull, Sugar Grove, Ohio.

3----Hiram Spriggs, Watten, Illinois.

4----James Manspeaker, Mount Ida, Kansas.

5----John W. Campbell, Garnett, Kansas

6----Newton Spriggs, Garnett, Kansas

7----John S. Johnston, Cactor City, Kansas.

8----Nelson Wilson, Garnett, Kansas

9----Edward Farrah, Bedarvale, Kansas.

10----J. M. Johnston, Garnett, Kansas

11----Sam Gibson, Brenson, Kansas

12----Ben Mydern, Garnett, Kansas

13----Ann Martin, Garnett, Kansas

14----J. B. Hardesty, Garnett Kansas

15----Malinda Gibson, Kansas City M..

16----Herschel Cloud, Topeka, Kansas.

17----Bill Smalts, Peru, Kansas

18----John Tyler, Garnett, Kansas

19----William Ray, Garnett, Kansas.

20----John Smalts, Peru, Kansas.

21----Thomas Smalts, Peru, Kansas.

22----George A. Campbell, Garnett, Kansas

23----J. N. Johnson, Garnett, Kansas

24----Amelia Petit or Percival, Ft Gibson or Muskogee I T

25----Lucy Lesley, Ft Gibson I T

26----Jennie Sheppard, Ft Gibson I T

27----Simon Lynch, Chaffe I T

28----Daniel Sanders, Centralia I T

29----Reuben Sanders, Centralia, I T

30----Nelson Moore, Ketchum I T

31----Thomas N. Moore, Ketchum I T

32----Arthur Bean, Chaffe, I T

33----Leander, Bean, Vinita I T

34----Tobias Bean, Chaffee, I T

35----Willie Fry, Ketchum I T

36----Joseph Bean, Chaffee, I T

37----June Martin, Chaffee, I T

38----Frank Ross, Hayden, I T

39----Sam Butler, Choutem I T

40----Joe Davis, Vinita I T

41----George Muskgrove, Lenapah I T

42----Becky Muskgrove, Lenapah, I T

43----Katie Vann, Lenapah I T

4

64----Roley Whitmire, Hayden, I T

65----Elias Whitmire, Hayden, I T

66----Aaron Wright, Hayden, I T

67----Lewis Whitmire, Hayden, I T

68----William Madden, Hayden, I T

69----Harry Still, Hayden, I T

70----Stick Ross, Tahlequah, I T

71----Joe Digus, Tahlequah, I T

72----Moses Dykes, Garnett, Ks.

Respectfully,

Starr & Patten

Cherokee 8.
D 888

COPY

Muskogee, Indian Territory, February 28, 1907.

Sandy Thompson,

Nuiaca, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patton, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in this case and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl. H-21
JMM

Register.

Cherokee F
N 104 et al.

Muskogee, Indian Territory, February 27, 1907.

Starr & Patton,

Attorneys for Moses Riley, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Curls and Ethel Townsend as Cherokee freedmen, and rejecting the applications for the enrollment of Moses Riley, et al. as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. N-48
JMM

Commissioner.

Cherokee F
D 220 et al.

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Curls and Ethel Townsend as Cherokee freedmen, and rejecting the applications for the enrollment of Moses Riley, et al. as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. N-80
JMK

Commissioner.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Moses Riley, et al. (D 256 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated February 27, 1907, dismissing the applications for the enrollment of Clarence Curls and Ethel Townsend, and rejecting the applications for the enrollment of Moses, Lillie, Andrew, Nathaniel, Jesse, Joseph, Ollie, Viola, Mabel, Elmera, Idaller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Imola, Earl E., Clarence, Jerry, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Fannie Scott, Charles Wesley Miller, Bennie and Jimmie Scott, Delilah, Allie, Lemon, Jesse, Alfred, Nola, Dolla, Ella, Harrison, Lottie, Rebecca, Luford, Wilbert and Arch Johnson, Jane Riley, Daniel Thompson, Elick, Amanda, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Raine Ward, Sandy Thompson, Ruth, Lenora, Odine and Hannah Riley, Charles Landrum,

Bettie Holstead, William Riley, Carrie Gibson, Cora J. and Opal Wagner, Arthur Riley, Elizabeth and Elmera Holtes, Julius, Riley, Willie, Bennard, James, George, Stephenia and Beatrice Carle, Ophelia, Alpha, Eddie, Mitchel, Harvey and Clyde Thompson, Hollie, Dean, George and Arthur Townsend, Erma Purtle, Ellen Bean, Walter, Vanetta, Frank, Riley and Level Vann, as Cherokee freedmen.

Respectfully,

(Signed) Tams Bixby,

Commissioner.

Encl. K-56
JWM

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.R.
J.W.R.
W.C.P.
J.R.W.

I.T.D.
7912-1907.
0018-042-1907.

P.L.C.

March 4, 1907.

The Commissioner to the

Five Civilized Tribes.

Sir:

The Department has considered the record in the matter of the consolidated applications for the enrollment of Moses Riley et al. as Cherokee freedmen, which was the subject of your decision of February 27, 1907, adverse to the applicants.

It seems that this case is now before the Department with additional testimony taken upon rehearing beginning October 26, 1906. There is no question as to the right of the common ancestor of these applicants, as well as the older parties to the case, to avail themselves of the opportunity afforded by article 9 of the treaty of 1866, between the United States and the Cherokee Nation, to acquire citizenship therein. The only question in issue concerns the date of the return of the common ancestor and his children to the Cherokee Nation. On the part of the applicants it is alleged that such return was made in the year 1866, it being claimed that the father of the family went first to the nation early in the spring of that year, and later returned to Kansas for the other members of the family, with whom he removed from Kansas to the Cherokee Nation in the fall of that year.

On behalf of the Cherokee Nation it is contended that the head of the Riley family did not go to the Cherokee Nation until the spring of 1867, and that the removal of the family did not follow until the fall of that year.

In your said decision of February 27, 1907, you state that the testimony introduced on behalf of the Cherokee Nation shows conclusively that no crop was made on the McNair place (in the Cherokee Nation) by any member or members of this family in 1866, and that none of said family was on that place "after the war of the rebellion, earlier than, possibly, May, 1867". This statement is presumably designed as a finding contrary to certain portions of the testimony of the applicants tending to show that the head of the family raised a crop of corn on the McNair place during the year 1866.

It is further stated in said decision that the testimony introduced on behalf of the applicants, to the effect that when the Riley family left the State of Kansas, they went direct to the said McNair place in the Cherokee Nation, is uncontradicted. Following this statement an analysis is made of the testimony of Judge William Spriggs, which was in favor of the applicants, and the inference is drawn that the testimony of Mr. Spriggs is inaccurate in respect time.

Reference is also made by you to the census roll of citizenship of the Cherokee Nation prepared in the year 1867 by W. Tompkins, who was appointed by the United States as

commissioner for that purpose. As the applicants' names do not appear upon this roll you infer that they did not return to the nation within the time limited by the treaty of 1866. Reference is also made to the decision rendered by a commission on citizenship in the Cherokee Nation about the year 1878, or 1879, relative to one Riley McNair. The record does not clearly disclose anything concerning this decision, save that it went "by default" apparently in favor of the plaintiff.

Reporting in the matter, March 2, 1907, the Indian Office stated that it could not concur in your recommendation adverse to the applicants, finding that the supplemental evidence, by a clear preponderance of proof, showed return of Samuel Riley, or Riley McNair, to the Cherokee Nation within the time prescribed by the treaty of 1866. The Indian Office also notes the existence of documentary and other evidence which, in its opinion, clearly shows recognition on the part of the Cherokee Nation and its officers of the various principal applicants herein as freedmen of the nation.

The Indian Office further shows that all the applicants have resided throughout their entire lives, or for many years, in the Cherokee Nation, and that no serious question has been raised as to their right to occupy tribal lands.

Concluding its report of March 2, 1907, the Indian Office recommends the enrollment of certain of the applicants,

that that only of them, in the following language:

It is the judgment of the Office therefore that the record as now constituted so irrefutably shows that the following persons are entitled to and should be enrolled, and it is recommended that the adverse decision of the Commissioner be reversed and that their enrollment be ordered: Moses Riley, Lillie Riley, Andrew Riley, Samuel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Walker Riley, Luther T. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Enola Riley, Earl F. Riley, Clarence Riley (son of Lottie Riley), Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Mattie Riley, Calvin Riley, Bertha Riley, Ada Riley, Leona Riley, Jennie Scott, Charles Wesley Miller, Jessie Scott, Jimmie Scott, Delliliah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson, Arch Johnson, Lenora Odine Riley (child of Jesse Riley), William Riley, Carrie Gibson, Cora J. Wagoner, Oval, Wagoner, Arthur Riley, Elizabeth Felton, Elnora Felton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls, Clarence Curls, Beatrice Curls, Cornelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, Clyde Thompson, Mollie Townsend, Cora Townsend, George Townsend, Arthur Townsend, Ethel Townsend, Emma Purtle, Frank, Riley and Lovat Vann (children of Emma Purtle, and Jesse Vann), Julius Curls, Jr. (son of Riley Curls), Oak Leon Wagoner (son of Cora J. Wagoner), Jesse Barnet (son of Maud and William Riley), Ellen Bean, Walter Vann, Waneta Vann, and John C. Riley (son of William Riley).

The Department has considered the additional testimony taken at the rehearing, and has further examined in connection therewith the testimony of the principal applicants taken theretofore. The work of examining the case has been materially

lightened by the careful briefs submitted by the attorneys, both for and against the applicants. In connection with said arguments there was submitted by the attorneys for the parties in interest a synopsis or analysis of the testimony relied upon, from which the relative weight of their contentions can be determined with some degree of certainty. With the assistance of said attorneys, and in view of the examination of the record referred to above, the Department has been able to reach a conclusion in the case.

It is not considered that the reasons given in your decision are sufficient to support the conclusion therein reached. It is believed that your decision is based more upon inference and negative proof than upon positive showing adverse to the applicants.

On the other hand it is found that the testimony of numerous witnesses who were acquainted with the older applicants during the war of the rebellion, and prior to the treaty of 1866, shows with a high degree of certainty that said applicants left the State of Kansas and removed to the Cherokee Nation in the fall of 1866. This conclusion is corroborated by various official records, which show that in the years past the members of the family have been regarded as citizens of the Cherokee Nation. Prominent among the witnesses who testified in their favor is Judge William Spriggs, referred to above. It appears that he is a man who has held positions of high honor in the

State of Kansas, and that his testimony is entirely trustworthy. Such testimony is verified in material respects by that of numerous other white citizens of Kansas, who were his neighbors during the war. According to the testimony of Judge Sprigge, he advised the father of the principal applicants early in the year 1866, during the pendency of the treaty with the Cherokee Indians to remove to the Cherokee Nation, in order to secure their rights. An effort has been made to discredit the testimony of Judge Sprigge because it tends in part to show that the Cherokee freedmen were adopted by act of Congress, or treaty, in the spring of 1866, when as a matter of history the treaty with the Cherokees was not ratified until July 19th of the year 1866.

It is found, however, that at the close of the war of the rebellion new treaties with the Five Civilized Tribes were necessary on account of the attitude assumed by them during the war, and because of the changed conditions resulting from it. Consequently negotiations with said tribes were begun as soon as possible after the close of the war, and were under way as early as April of 1866. The testimony of a number of other prominent citizens in Kansas was given in favor of the applicants, showing the date of their removal to the nation. Said testimony is largely cumulative in character, and need not be further referred to. It is considered important, moreover, to observe that the testimony of the principal applicant in 1901, compared with that given him more than five years thereafter, is notably consistent in all material respects.

The testimony submitted on behalf of the Nation is not claimed of itself to overcome that presented by the applicants or to place, of itself, that the should be entitled relief. No serious attempt was made to refute the statements of Judge Springs and his neighbors although some effort was made to establish generally the probability of error in testimony after lapse of years. But if there is such probability it is no more likely to occur on one side than on the other, and in the case of Judge Springs and his associates I find that their memories were fortified and reinforced, through association, by important matters and events which enabled them to fix definitely the date of applicant's removal to the Nation. The Nation places considerable stress upon the testimony of Mary J. Thompson who claimed to have returned after the war to the Old McNair place, in the Cherokee Nation, in the fall of 1866, and who testifies that none of the Riley boys made a crop upon the place that year. This testimony necessarily relates to the spring and summer of 1866, yet it is not claimed that she herself returned to the Nation until November 1866. Manifestly decisive weight should not be attached to her testimony under such circumstances, her statements being, like that of others relied upon by the Nation, negative rather than positive. Even though all the force claimed be given the testimony of this witness as well as to that of others, including, particularly, Herman Vann, Key Catcher, and W. H. Covel, the De-

partment could not be warranted in denying the enrolment of the applicants, except as noted hereinafter. Accordingly, as the Department concurs in the recommendation of the Indian Office, you are directed to enroll the persons mentioned herein, whose names are contained in the extract quoted from Indian Office report of March 2, 1907, and set forth above, as Cherokee Freedmen.

Your decision of February 27, 1907 is reversed as to the persons named in Indian Office report of March 2, 1907 (Land 21750 - 1907) but as to the other persons who are parties to this case, your said decision, adverse to them, is hereby affirmed.

The Department has also considered the Cherokee Freedmen cases of Julious Curls and Elmore Vann, both of whom were denied enrollment by your decisions of February 28, 1907. The Indian Office recommends the enrollment of these children. Inasmuch as their parents are found herein to be entitled to enrolment, the Department concurs in the recommendation of the Indian Office and your said decisions, both dated February 28, 1907, are hereby reversed. You are accordingly directed to enroll Elmore Vann as a Cherokee freedman. The name of Julious Curls appears in the list quoted from Indian Office Report of the 2nd instant.

On February 28, 1908, by separate decisions, you also denied the enrolment of Jesse Riley, Oak Leone Wagoner, and Alice Riley, as Cherokee freedmen. The Indian Office reported under

date of March 4, 1907 that the enrolment of the parents of these children was recommended in the report of the 2nd instant. Such being the case, your said decisions of February 28, 1907, are hereby reversed and you are also directed to enroll the said Jesse Riley and Alice Riley as Cherokee freedmen. As to Oak Leon Wagoner, his name also appears [illegible] in the list quoted from Indian Office letter of March 2, 1907.

A copy of this decision has been sent to the Indian Office, together with the papers in the cases referred to herein.

Very respectfully,

Jesse E. Wilson,

Acting Secretary.

A F Mc
5-4-07.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

March [illegible], 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the consolidated application for the enrollment of Jesse Riley, et al., as Cherokee freedmen, wherein a final decision of rejection was rendered by the Commissioner as to all the parties applicant on February 27, 1907.

This case was remanded by the Department for further investigation, and a large number of witnesses were sworn and testified in the case, and 285 pages of additional testimony taken. In addition to the oral evidence, certain original and certified copies of records throwing light on the contentions of the parties, were filed with the record and are now submitted.

Commissioner Bixby found that the applicants had not been in such a manner recognized by the tribal authorities of the Cherokee Nation as freedmen of that Nation as to entitle them under the present laws to enrollment as freedmen of the Cherokee Nation. The Office cannot concur in this recommendation.

The Supplemental evidence submitted, in the judgment of the Office, by a clear preponderance thereof shows that

Sampe. Riley, or Riley McNair, who was at the beginning of the War of the Rebellion a slave of a Cherokee citizen, returned to the Cherokee Nation within the time prescribed by the treaty of 1866 and re-established himself therein. Documentary and other evidence clearly showing recognition on the part of the Cherokee Nation and its officers of the various principal applicants herein as freedmen of the Nation is in the record. It is also shown that all the applicants have resided throughout their entire lives, or for many years, in the Cherokee Nation, and no serious question has been raised as to their right to so remain and occupy the tribal lands.

It is the judgment of the Office therefore that the record as now constituted satisfactorily shows that the following persons are entitled to and should be enrolled, and it is recommended that the adverse decision of the Commissioner be reversed and that their enrollment be ordered: Moses Riley, Lilly Riley, Andrew Riley, Nathaniel Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lattie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl M. Riley, Clarence Riley,-(son of Lottie Riley), Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Maziah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, Leona Riley, Fannie Scott, Charles Wesley Miller, Fessie Scott, Jimmie Scott, Delilah Johnson, Allie Johnson,

[illegible]man Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Nella Johnson, [illegible]lla Johnson, [illegible]arlson Johnson, Lottie Johnson, Rebecca Johnson, [illegible]uford Johnson, [illegible]lbert Johnson, Ar[illegible] Johnson, [illegible]ondra Quine Riley (child of Jesse [illegible]ley), William Riley, Carrie Gibson, Cora J. Wagoner, Oval Wagoner, Ar[illegible]ur Riley, Elizabeth Melton, Elnora Melton, Julius Curls, Riley Curls, Willie Curls, [illegible]dward Curls, James Curls, George Curls, Stephenia Curls, Clarence Curls, Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, Clyde Thompson, Hollie Townsend, Rose Townsend, George Townsend, Arthur Townsend, Ethel Townsend, Emma Purtle, Frank Riley and Lovat Vann (children of Emma Purtle and Jesse Vann), Julius Curls, Jr.,-(son of Riley Curls), Oak [illegible]eon Wagoner (son of Cora J. Wagoner), Jesse Barnett (son of Hank and William Riley), Ellen Vann, Walter Vann, Janeth Vann, and John C. Riley (sonof William Riley).

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EPH-LC..

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 6, 1907.

Land
21888-1907
21889-1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed records of the Commissioner to the Five Civilized Tribes in the matter of the applications of Julius Curls and Elmore Vann, applicants for enrollment as Cherokee freedmen, wherein decisions adverse to them were rendered by the Commissioner to the Five Civilized Tribes.

On the 2nd instant the Office in forwarding the Cherokee freedman case of Moses Riley recommended that the parents of these applicants, through whom they claim their rights, be enrolled. It necessarily follows, since the applications in these cases were made within the time prescribed by law, that if the parents were entitled, so are the children. It is therefore recommended that the adverse decisions of the Commissioner in these cases be reversed and that Julius Curls and Elmore Vann be enrolled as Cherokee freedmen.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBH-GH

(illegible)

Land
(illegible). (illegible). DEPARTMENT OF THE INTERIOR,
21,311-1907. OFFICE OF INDIAN AFFAIRS,
11,9[illegible]-1907. WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the applications for enrollment of Jesse Riley, Oak Leon Wagoner and Alice Riley, as Cherokee freedmen.

The Commissioner to the Five Civilized Tribes rejected these applicants because he had already rejected their parents who were involved in the consolidated Cherokee freedmen case of Moses Riley, et al.

On the 2nd instant in forwarding the case of Moses Riley, et al., the Office recommended the enrollment of the parents of each of these minors.

It is therefore recommended that the adverse decisions of the Commissioner in these cases be reversed, and that the applicants be enrolled.

Very respectfully,

C. H. Larrabee,

(T.B.H.) P. Acting Commissioner.

E.I.
H.C.

Cherokee 9.
9 Ent.

Muskogee, Indian Territory, March 27, 1907.

Sandy Thompson,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Commissioner.

LMC

Cherokee N.
D 688 et al.

Muskogee, Indian Territory, March 27, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Moses Riley, et al., as Cherokee freedmen, was reversed by the Secretary of the Interior, March 4, 1907, as to Moses Riley et al., and affirmed as to Jane Riley, et al.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-4
LMC

Cherokee F.
R. and et al.

Muskogee, Indian Territory, March 27, 1907.

Starr & Patton,
Attorneys for Moses Riley, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Moses Riley, et al., as Cherokee freedmen, was reversed by the Secretary of the Interior, March 4, 1907, as to Moses Riley et al., and affirmed as to Jane Riley, et al.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-5
LMC

D.S. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

May 22, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 4, 1907, there was received by the Department motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of March 4, 1907, in the matter of the application of Moses Riley, et al, for enrollment as Cherokee freedmen.

On May 17, 1907, the Department denied the motion. It is said in the Department's letter, however, that the denial of the motion will not affect the question as to the enrollment of Moses Riley, Clarence Carls, Ethel Townsend, John C. Riley and Julius Carls, Jr., which was submitted with Office letter of April 13, 1907, and is now pending before the Department.

You are requested to advise the interested parties, including the Attorney for the Cherokee Nation, of the Department's action.

Very respectfully,

(Signed) S. F. Larrabee,

Acting Commissioner.

SAW-GH.

Cherokee P S 614

Muskogee, Indian Territory, June 18, 1907.

Sandy Thompson,

Hulsea, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and reverse Departmental decision of March 4, 1907, in the matter of your application for enrollment as a Cherokee freedman was denied by the Department on May 17, 1907.

Respectfully,

S.W.

Commissioner.

Cherokee 9
108864 et al.

Muskogee, Indian Territory, June 10, 1907.

Messrs. Starr & Patton,

Attorneys for Moses Riley, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that the motion of the Attorney for the Cherokee Nation to reconsider, review and revoke Departmental decision of March 4, 1907, in the matter of the application for the enrollment of Moses Riley, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.W-1.
E.W.

Commissioner.

Cherokee 3
(Ind) et al.

Muskogee, Indian Territory, June 10, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your motion to reconsider, review and reverse Departmental decision of March 4, 1907, in the matter of the application for the enrollment of Moses Riley, et al., as Cherokee freedmen was denied by the Department on May 13, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W.G.
S.V.

Commissioner.

CHEROKEE FREEDMEN.

Date JUL 11 1901

Post-office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship Cherokee Freed

Mother Citizenship " "

2. Name of wife

Owner's name

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Doubtful

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by Self. Stenographer Aug. von L. Crew

See Cherokee Roll, page 142 # 2077 — Del

XRef 2606

Represented by Mellette and Smith, Vinita, I.T.

X X 1043.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. [illegible] Thompson,
[illegible], I. T.
[illegible]-F-[illegible]-603,
[illegible] Intor.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 975

Trans. from Cher. Fr. D. 695

Cher. Fr. R. 975

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 11, 1906.

In the matter of the application of James W. Robison for the enrollment of himself as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
J. T. Davenport, of counsel for Cherokee Nation.

James W. Robison, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Wesley Robison.
Q How old are you? A About 40 years old.
Q What is your post office address? A Catalee.
Q What district do you live in? A Coowheescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Nobody but myself.
Q Are you married? A Yes, sir.
Q Is your wife a Freedman? A Yes, sir.
Q What is her name? A Betsy Martin before she was married.
Q Was she listed for enrollment, her and the children?
A Yes, sir.
Q You are now applying for yourself? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Mr. Smith: Who was your father? A Mumford Robison.
Q Who was your mother? A Annie.
Q How old are you? A About 40 years old.
Q Do you know your age exactly? A No, sir.
Q Have you any brothers? A Yes, sir.
Q What are your brother's names? A One is William H. Robison and one John.
Q Are you a brother to W. H. Robison who applied here for enrollment to-day? A Yes, sir.
Q Where do you live? A Live on Pryor Creek.
Q What postoffice? A Catalee.
Q How long have you lived in the Cherokee Nation? A All my life, ever since I can recollect.
Q Have you any recollection at all as to when you came back; were you out of the Nation, do you understand, during the war? A No, sir, I can't.
Q You don't remember anything about that? A No, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir, as James.
Commissioner: How is that? A My name is James Wesley Robison, and they divided the name.
Q What is your name now? A James Wesley Robison.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 121, No. 3034, Cooweescoowee district, as James Robinson.

The Wallace roll examined and the applicant identified thereon page 154, No. 3208, Cooweescoowee district, as Wesley Robinson.

Mr. Davenport: Where were you living when you first remember? A On Cabin Creek.
Q When was that, about what year? A Why it was in '66, that is what the old folks say.
Q You can remember '66? A That is what they said.
Q You can remember you were living on Big Creek? A On Cabin Creek.
Q Do you remember anything about being in Fort Scott, Kansas.

Q Do you know anything about that? A No, sir.
Q Don't remember anything about that? A No, sir.
Q Did you ever know a lady by the name of Brown that lived at Fort Scott, Kansas? A No, sir.
Q You don't remember that yourself? A No, sir.
Q You don't remember when you were eight years old? A No, sir.
Commissioner: You lived in the Cherokee Nation all the time after you had children? A Yes, sir.

William Henry Robison, being duly sworn by Commissioner Mellice, testified as follows:

Mr. Smith: State your name? A William Henry Robison.
Q Where do you live? A In Choweschowee District.
Q What post office? A Rogers.
Q How long have you lived in the Cherokee Nation? A About all my life.
Q Do you know this applicant, James Wesley Robison? A Yes, sir.
Q Is he related to you? A Yes, sir.
Q What? A Brother.
Q Is he your full brother? A Yes, sir.
Q What was his father's name? A Rawford Robison.
Q What was his mother's name? A Annie Robison
Q How old are you? A I am about 49.
Q Do you remember of your own recollection as to where you were before the war commenced? A My first recollection, I was in the Cherokee Nation, near the North part, on the land they called the neutral land, a strip attached to the Cherokee Nation, in the Cherokee Nation then, that is what they claimed as the Cherokee Nation.
Q It was in the Cherokee Nation then? A Yes, sir.
Q What is it now? A I believe they sold it to Kansas, that is what I understand.
Q I will just ask you to state what you know yourself; have you any recollection of what your condition was at that time, as to whether you were a slave or a free person? A I was a free person.
Q What was your father? A A free man.
Q What was your mother? A A free woman too.
Q What was your brother? A Free born.
Q James Wesley? A Yes, sir.
Q Where were you and your father's family, including JamesWesley, during the war? A We went to Fort Scott when the war broke out.
Q When did James Wesley first return to the Cherokee Nation after the war? A With the family in '66, May.
Q Who composed the family? A My father and mother, myself, Tobe, Wesley, and Mary, and I believe that is all; no, there is 2 girls, Margaret, Viney, and Josephine.
Q Where did you come to in the Cherokee Nation? A Came to Big Cabin Creek.
Q About how far from where Chelsea is now? A I really don't know.
Q Near what place was that? A It was near a town they call the Timbered Hill, it was about eight miles from where Vinita is now.
Q Do you know where James Wesley Robison, this applicant, has been living since that time? A Living in the Cherokee Nation.
Mr. Davenport: Now you and your family went to Fort Scott, Kansas, during the war, did you? A Yes, sir, my father's family, of course I belonged to the family.
Q You were seven or eight years old at the time? A Yes, sir, somewhere along there.
Q Do you remember with whom you lived up there, or on whose farm you lived? A We lived a while in town, I don't know the man's name that owned the farm that my father rented just before the war closed.
Q It was a Mr. Stewart, wasn't it; was it S. F. Rucker of Kansas?

A No.

Q Do you know either one of the names while you were there in Fort Scott, that I have called? A No, sir.

Q Mr. Thomas was one time Sheriff, about the close of the war?

A I don't remember.

Q And later Mr. Brumby was Sheriff at Fort Scott? A I don't remember.

Q You don't remember either of these names? A No, sir.

Lewis Whitmire, being duly sworn by Commissioner Needles, testifies as follows.

Mr. Smith: What is your name? A Lewis Whitmire.

Q Where do you live? A Cherokee Nation.

Q What is your post office? A Hayden.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, James Wesley Robison here? A Yes, sir, knowed him ever since he was a boy.

Q Did you know his father? A Yes, sir.

Q Did you know his mother? A Yes, sir.

Q When did you first see this applicant in the Cherokee Nation after the war was over? A Over here on Cabin Creek, east of here.

Q Was it in the Cherokee Nation? A Yes, sir.

Q When was it? A Why it was sometime in the winter of '66, I don't know just exactly what month or what day.

Q When did you come the last time? A Why I come in the winter of '66 the last time.

Q About what month? A Why it was either October or November, I don't remember how long it was.

Q Then about when would you say it was you saw this man? A I can't recollect, exactly; I had lost a mare, I brought with me, she got away and run away and I was tracking my mare towards the Arkansas River, I brought her from over there, and I come on these people.

Q Was that before or after Christmas? A I think it was a few weeks before Christmas when I saw them, it was getting very cold though.

Mr. Davenport: Where was that you saw them, before Christmas?

A Why it was about two miles, near as I recollect, west or southwest of Timbered Hill.

Q How did you happen to be over there about Timbered Hill? A I was following a nag that got away from me, and I got into this country.

Q There wasn't any road across that way? A No, sir, no road at all, no roads anywhere when I first come down.

Q You came down about the time Sam Webber came? A Yes, sir.

Q Was this boy with his father up there in '66? A Yes, sir this boy and his father built there when we came and it seems to me they left about the same week we commenced moving in.

Q You didn't know them when they lived at Fort Scott? A I knew them three years before I left there.

Q Did you ever know a fellow by the name of Brumby up there at Fort Scott? A No, sir, I didn't.

Q Frank I think his name was? A It seems the name is familiar.

Q He was the Sheriff about the close of the war, and G. F. Rucker who was also Sheriff about the close of the war? A I know this, if I have known them I have forgotten them.

Q Do you know where the Stewart farm was? A I didn't stay in Fort Scott much, I was driving about.

Q Where were these people living when you first acquainted with them?

A They were living on the side of town near the Marmaton River.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q How old are you? A 34.

Q What is your post office? A Hayden.

Q How long have you lived in the Cherokee Nation? A All my life excepting a few years while I was out.

Do you know this applicant James Wesley Robison? A Yes, sir.

Q What kin is he to William H. Robison? A A brother.

Q Was he a brother of the same William H. Robison that applied here this morning for enrollment? A Yes, sir, a brother of the same man.

Q Do you know when this applicant, James Wesley Robison, first came back, or was brought back, to the Cherokee Nation after the war?

A I don't know when he came, but I know when I found him here.

Q When was that? A Found him in the fall of '66.

Q At what place? A On Cabin Creek, on Lee Schrimsher's place.

Q In the Cherokee Nation? A Yes, sir.

Q Who was with him? A His brother, Pete, and Fayette, Wesley and William, and his father and mother, and he had some sisters, I didn't know them like I did the boys.

Q Do you know where he is living now? A Yes, sir.

Q Where? A Right up here on Pryor Creek.

Q In the Cherokee Nation? A Yes, sir.

Q How long has he been living there? A I don't know exactly how long he has been living there, must be twenty years or better.

Q That is the place where he is living now? A Yes, sir, been living up there a long time.

Mr. Davenport: He wasn't living up at Timbered Hill then in '66?

A He was living on what they called the Lee Schrimsher place.

Q That is on Big Cabin? A Yes, sir, and then he made a place between the forks of West Cabin and East Cabin, and moved up there.

Q He made that place after '66? A He made it in '66.

A You didn't see him until the fall of '66? A No, sir.

Q And it was just before Christmas when you saw him, wasn't it?

A No, sir, before that.

Q Didn't you testify this morning in the Will Robison case it was about Christmas when you saw him? A It was getting cold weather.

Q Didn't you say it was just about Christmas? A No, sir, not positively.

Q Didn't you state you came down there in October and it was a month or two after you came down in 1866 before you saw Will Robison?

A I told you I moved my mother down there and went back for Aunt Nancy, she died on Timbered Hill, and on Timbered Hill I saw these boys.

Q When did Aunt Nancy die up there? A Sometimes about Christmas.

Q About how long before Christmas? A Might have been a month or such matter.

Q You didn't come down till October? A I made three trips.

Q I am speaking of the third trip you made? A I expect it was sometimes perhaps in September or October.

Q You said this morning October? A I didn't saw positive, I said September or October when I came on Lightening Creek, but when I came back I found these boys.

Q When you went back you were saying something about Aunt Nancy, and you saw them on Big Cabin? A Yes, sir.

Q And they were not living at Timbered Hill at that time?

A No, sir, they were down on the Creek when I saw them.

Filmore Hicks, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Silvern Hicks.
Q Are you a Cherokee Indian? A Yes, sir.
Q By blood? A Yes, sir.
Q You live in the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, James Wesley Robison? A Yes, sir.
Q How long have you known him? A I have known him personally to be Wesley Robison about 20 or 21 years.
Q Did you know his father? A Yes, sir, I know his father.
Q When did you know his father; did you ever see his father in the Cherokee Nation after the war? A Yes, sir.
Q When? A Well I saw him in January of 1897, said to be his father.
Q Where? A Cabin Creek.
Q At what point on Cabin Creek? A Well I expect it is a little northeast of Vinita, northeast I mean.
Q About how far? A Eight or ten miles, I don't know just how far.
Q About eight or ten miles northeast of where Vinita is now?
A Yes, sir.
Q State what was his father's name? A I don't know what his given name was, all I know him, was Robison.
Q Did you know this William H. Robison who applied this morning?
A Yes, sir.
A Is he a brother of this man? A Said to be, as far as I know.
Q Do you know whether this applicant, James Wesley Robison, was along with his father at that time you saw them? A No, sir, I don't know.
Q Was his family there? A Had his family.
Q Some boys and girls? A Yes, sir.

Commissioner: Wesley Robison applies for the enrollment of himself. He is not identified upon the authenticated roll of 1880 or upon the census roll of 1896. He is fully identified upon the Kern-Clifton and the Wallace rolls. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be duly notified of the decision of the Commission as to the matter of his citizenship, when arrived at, by mail.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the Sixteenth day of June, 1901.

Commissioner.

To be filed with D. S. S. cor. J. G. Davison.

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[illegible] of the Interior,
[illegible] Five Civilized Tribes,
[illegible], I. T., [illegible], 1901.

In the matter of the [illegible] of
Thomas Mayfield, for his enrollment
as a citizen of the Cherokee Nation.

Supplemental testimony.
Cherokee Freedmen Docket.

Appearances:
Mellette & [illegible], and I. N. [illegible], for applicants
W. P. [illegible], for Cherokee Nation.

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The attorneys for the Cherokee Nation make proof of the proper service of notice of the introduction of testimony in the above case on this date.

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Walter A. West, being first duly sworn by Commissioner Needles, testified as follows:

Mr. Whiting: What is your name? A Walter A. West.
Q What is your age? A 40 years.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 60 Years.
Q Were you out of the Nation during the war? A Yes, sir, I was out during the war three or four years.
Q When did you come back to the Cherokee Nation after the war?
A I came back in the spring of '66.
Q Where did you live in the spring of '66? A I lived up on Neosho River after I went up above.
Q How long did you live there? A I lived on Neosho, this side of Neosho River, about two or three months, and then I moved down below.
Q Do you know Thomas Mayfield, the applicant here present?
A Yes, sir.
Q Did you know him before the war? A No, sir.
Q How long have you known him? A I got acquainted with him, I saw him in '68 the first time I saw him.
Q Well where was he? A Well he was on the military road right below where I was living.
Q From what points does that road run? A Runs from Fort Gibson, at that time.
Q Whereabouts does it run north? A Fort Scott, Kansas, and Kansas City and Baxter Springs.
Q Well, state the circumstances of seeing him on the military road?
A I lived there on the military road and he was east by house and camped there nearby, that is when I got acquainted with him, when I saw him.
Q Did he have his family? A He had a family with him I supposed to be his family.
Q Any others along with him? A Yes, sir, Jack Davis, Sandy Bean, and Jack Bean.
Q Had you ever seen him before? A Who you mean, Mayfield?
Q Mayfield? A No, sir.
Q Where had you been living the two years immediately before that, 1867 and '68? A Right on the military road there.

Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.
Q Did he stay there? A Yes, sir, rented A place across the river and lived on the place he rented.
Q Did you know where he was from where you first saw him? A I just supposed he was from Texas in Lamar.
Q Tell all the circumstances, what you know about seeing him?
A We have gone the usual transients, his direction, and he stopped there, there is where I got acquainted with him.
Q Was he alone? A Yes, sir.
Q Have his dealings with him, he was his family, this man as lived on Mayfield's wife.
Q That is the first time you saw him in the Cherokee Nation?
A Yes, sir, the first time I saw him.
Q Is there anything that makes you positive about fixing the date in 1869? A No more than only I had been trading with an old government wagons, that is the man that was driving the wagons, calling name Mr., the day he came there, and I got my pay for that two or three days afterwards, on the 20th I believe, February, 1869.
Q You mean 1869? A 1869.
Q Did you preserve any letter or document which shows that date when you received the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.
Q And you have that with you? A Yes, sir.
Q And what date does it show? A It shows I received my money on the 20th, that is my check.
Q On what month? A February, 1869.
Q You were pretty well acquainted in the neighborhood in '69?
A Yes, sir.
Q Had you been the two years previous? A Yes, sir.
Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Dean, I knew him.
Q Had you know him before the war? A Yes, sir, I know him before the war.
Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do of these circumstances.
Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.
Q The time you speak of is the first time you ever saw him?
A Yes, sir, the first time I saw him.

Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.
Q You don't know whether he had his family with him at that time or not? A No, sir, He had a family but I don't know whethere they were his or not.
Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866?
Q Where did you go to? A I went on up to Fort Scott, right direct through the country, to where my mother lived on this side of Fort Scott, Drywood.
Q How long did you stay there? A Till about the first or middle of May.
Q In what year? A 1866.
Q Then where did you go? A I came down to Neosho, in the Cherokee Nation, and there set up my tent and went to trading and trafficing with the travelers along the road.

Q [illegible] did you continue in that business? A I continued off and on [illegible].
Q [illegible] the [illegible]? A From the time I went there till fall [illegible] the [illegible] A Yes, sir.
Q [illegible] did you go from there? A I went down down on the [illegible] that [illegible] I got discharged, where I first saw Thomas [illegible] I [illegible] a horse.
Q You said you worked there in the fall of 1897? A Part of it, [illegible] all of it.
Q When did you finish the rest of it? A In 1897.
Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this [illegible] examination.
Q When you saw him, Thomas Mayfield, you say, in 1897? A Yes, sir.
Q That was the Kern-Clifton Commission? A I am not positive, [illegible] 1897; not '95, '96 when it was I believe.
Q In 1896 was it? A It seems to me, I am not positive.

Q Then that was about 28 years wasn't it, from the time you had seen Thomas Mayfield? A Yes, sir, from the time I first saw him, but I saw him off and on all the time after I got acquainted with him.
Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '69 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.
Q That was about 28 years afterwards? A Somewhere along there I guess.
Q Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or whatever it was? A Now as far as that is concerned, it is like this we all remember when the people was coming in, and it was common talking when they came in.
Q Just answer that question? A That is the one particular time.
Q At 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt for some hay or something that you had sold, is that right? A Yes, sir, somewhere along there.
Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the letter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I know it was the same time.
Q Did you have but one transaction with the Government men? A I had them often, but not as much as that was.
Q How many times have you had transactions with the Government teams about hay? A Two or three different times.
Q Or three or four or half a dozen? A No, not that many.
Q More than three or four? A Not over three or four.
Q How can you go back 28 years and tell which one of these transactions it was you had had, and connect that particular transaction or any one with Thomas Mayfield 28 years after? A Simply I got a paper to that effect on that date.
Q Did that paper say anything about Thomas Mayfield? A No, sir, that transaction never, but because of my knowledge.
Q You say it didn't say anything about Thomas Mayfield? A No, sir.

Q You can go back to young you passed Thomas Mayfield with that particular transaction, can do you do that? A Simply I had that transaction at that time.
Q Were there not many transactions? A Yes, sir, but not so great as that was.
Q It couldn't have been some other transaction you had with the Government when you got Thomas Mayfield? A It might have been another, but it seems that is all there is about that part of it.
Q Are you able to remember it was some particular transaction?
A Yes, sir.
Q Have you got that letter? A Yes, sir, it is just a receipt (handed Mr. Smith paper.)
Q (examining paper) Mr. West, sir that you claim about the paper about which you have spoken is that it carries that date by which you fix the time? A Yes, sir, it carries it, somewhat it.
Q Did you have that paper; were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.
Q Did you have that paper then? A Yes, sir.
Q When did you burn that paper up? A I hunted it up during the Court time.
Q Were you subpoenaed as a witness during that Court? A Yes, sir.
Q When did you hunt the paper up, before or after you were subpoenaed?
A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.
Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.
Q Mr. West, you don't know where this man was in '66 do you?
A Not till that date, not before that date.
Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.
Q He passed your house in '66 did he? A In '69 I meant, that is the first time; in '66 I don't know where he was, or any time before '69.

J. L. Thompson, being duly sworn by Commissioner Woodlee, testified as follows:

Mr. Hastings: What is your name? A J. L. Thompson.
Q What is your age? A 62.
Q What is your post office? A Vinita.
Q Do you know the applicant, Thomas Mayfield, the colored man there?
A Yes, sir.
Q How long have you known him? A Well, I have to kinder study and tell you.
Q Did you know him before the war? A No, sir.
Q You have only known him since the war? A Yes, sir.
Q Where did you go during the war? A Went to Texas.
Q When did you return to the Cherokee Nation after the war?
A I came to Fort Gibson in December, 1867, and Cabin Creek January, 1868.
Q Well, where did you first locate up in this country, up near Vinita? A Right where I live now, but I didn't own the place then, I only rented it that season.
Q You have lived there ever since 1868? A No, sir, I moved away from there and moved back again.
Q You have lived in the same neighborhood ever since? A Yes, more almost.
Q How far does Mr. Mayfield live from you, the applicant? A Where he lives now, just about five or six miles I reckon.

Q Did you know Mr. Mayfield after the war? A Well, it must have been, to the best of my recollection, about the I guess it was. I am pretty positive it was, to the best of my recollection.
Q And he was there in the neighborhood when he first returned?
A Yes, sir, some kind of was.
Q You testified in proceedings by the Supreme Court about five years after the war which referred to the return of colored people in the Cherokee Nation? A I don't remember.
Mr. Smith: I object to that as not being probably the best evidence of the fact.
Q How far was Mayfield living from you those years you saw him in '69?
A He lived about as far off as he ever did.
Q Lived in the same neighborhood there? A Yes, sir, he lived right in the same neighborhood there, probably five or six miles from where he first settled.
Q You didn't know Mayfield before the war? A No, sir.
Mr. Smith: What time did you say it was, Mr. Thompson, when you came back to the Cherokee Nation after the war? A I said I came to Fort Gibson in December, 1867, I came to Cabin Creek in January, 1868.
Q In January, 1868? A Yes, sir.
Q You didn't know Thomas Mayfield before the war? A No, sir.
Q You don't know where he was in 1868? A No, sir.
Q You don't know whether he was in that neighborhood that you went to when you went up there or not? A If he was there I never heard of him, he might have been, so far as I know, but if he was I know I never heard of him.
Q He might have been there though? A He might have been, but I knew most of the darkies in the neighborhood.
Q You can't state he wasn't in that neighborhood when you went there?
A No, sir.
Mr. Hastings: You never saw him? A I never saw him.
Q You were well acquainted throughout the neighborhood? A Yes, sir, I lived there before the war.
Q You were acquainted with it before the war? A Yes, sir.
Q Was it thickly settled or thinly settled? A It was sparcely settled.
Q You knew people from a distance? A Yes, sir.
Mr. Smith: You didn't go around as soon as you got her and found out who was in that country? A No, sir, it wasn't my business.
Q And a man might have been here a year or two before you saw him?
A I don't believe he would have been in the neighborhood, I don't believe that long.
Q You don't know so, but you don't know he couldn't have been?
A Of course it wasn't my business to run around and hunt them up.
Q But you can't say whether Mayfield was there when you come h there or not? A I can't positively say he wasn't there, but if he was I didn't see him.

R. L. Martin, being first duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A R. L. Martin.
Q What is your age? A 51.
Q What is your post office? A Pensacola.
Q What was your father's name? A Joseph L. Martin.
Q Do you know the applicant there, Thomas Mayfield? A Yes, I think I do.
Q Did you go out of the Nation during the war? A Yes, sir.
Q When did you come back to the Nation after the war?

Thomas Mayfield - c.

Examined, 'cc.

Where do you go to? A West to Texas.

How long did you please? A Yes, sir.

Where did you first locate after the war? A We located at our old place, called Grandmother, on Grand River.

Did you know him before the war? A No.

Did you know him after the war? A Yes, I knew him after the war.

Do you know when you returned to the Cherokee Nation? A No.

Was the first time you ever saw him after the war? A The first time I ever saw him to know him was about '69.

How far did he locate from you? A About ten miles and I don't mean living there in '69, that is there I live now.

How far were you from him when he locate there in '69? A I don't know really. I was at my old place I guess just about ten miles.

How far were you from where you located in '66? Were you at your old place then? A Yes, in November, '66, about ten miles.

You were at the same place in November, '66 and in November, '68 also? A Yes, I made that my home although I did not stay there all the time, I was about from one place to another.

Mr. Smith: You were unmarried at that time? A Yes, sir

A young man living with your father, and made that your headquarters? A Yes, sir.

Where didyou spend most of the time? A I was here and there and in Texas and back and forward and on the road a great deal.

Then part of the time and Texas part of the time and here and there? A Yes, sir.

Q Then that place you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.

Q At that time you didn't have a home, stayed with your father?

A I didn't have any certain place only at father's.

Q About what age were you then? A About 18 or 19.

Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '69, he was running a ferry.

Q And you are not right certain about its being '69? A Well, you I am pretty certain it was '69 the first time I saw him to know him; I saw him before I didn't know him.

Q Might that not have been '68? A Well, I don't know as it was, I think it was '69.

Q But you are not positive about it? A No, I will not be positive, it has been so long ago.

Q Well you didn't go back to your father's place at all until in November, 1866? A That is as early as I came there.

Q How long didyou then stay at your father's place after you came back before you went away anywhere? A We were there all winter.

Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, and most of the spring and summer.

Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.

Q How long was it then before you had a place of your own, and went to living there regularly? A In '72 I moved there in about two miles and a half of him.

Q You have been living in about two and a half miles of him ever since '72? A Yes, sir; that is, until he moved away, he moved away from the place he was living on then seven or eight years ago.

Q You saw him from time to time until the time you became acquainted with him when you would be in the Cherokee Nation? Yes, sir, after I got acquainted with him I saw him often.

Thomas Mayfield - 8.

Q You of course don't pretend to say he hadn't been living at or a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living here at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Lucien B. Bell.

Q What is your age? A 68, about.

Q What is your post-office? A Vinita.

Q Do you know the applicant Thomas Mayfield? A Yes, sir.

Q He is present here in Court? A Yes, sir, that is him right behind with.

Q Are you citizen of the Cherokee Nation by blood? A Yes, sir.

Q You go out of the Cherokee Nation during the war? A Yes, sir.

Q What time did you return to the Cherokee Nation after the war? A Well, I came back in the neighborhood of where I settled, right in a mile of where I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.

Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.

Q How long did you live at that place? A Well, if you count the living here now, I have been living here thirty odd years.

Q You own the place now? A I have sold some part of the claim off, but I have got my claim on the same claim.

Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so than that latterly; latterly I have been away from there a good deal.

Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881, and then I moved about three quarters of a mile to another part of it.

Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.

Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River sorter opposite the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Bill Hicks place where I saw him first; that is all in the same neighborhood.

Mr. Smith: He was living there when you did see him? A Oh yes he was living there; he wasn't dead.

Q He hadn't just come there had he? A I can't say as to that, I know about when he first came, about then I first saw him; I know when the people around there said he came in.

Q I am asking you about your own personal knowledge? A I told you that is the first time I saw him; I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect that we talked about that; I had known him some years before that.

Q I have already answered my question. A Well that is enough.

Q Are you the chief counsel of the Cherokee Nation in these Proceed-

[illegible] ...

[illegible] ...

[illegible] ...

Q What is your post office? A [illegible]

Q What is your business? A [illegible], living somewhere around [illegible]

Q Did you live and have a business at Caney, Kansas? A I lived there all of some [illegible] years, some there and [illegible].

Q Did you live there the time Cherokee Strip came after the war? A Yes, sir, right after the war I was there always.

Q Did you live there in '66 and '67 and '68? A Yes, sir.

Q Did you know a colored man by the name of Thomas Warfield? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q What was his wife's name? A Her name was Nicie, she used to work for my mother.

Q When did you first learn to know them? A Well just right after the war; I don't know whether it was '65 or '66, '67, well '66 or '67 and '68 they lived on our place, I think they had a lease on them, I know that I believe they took that lease in '68.

Q Well do you know where they were in '66 and '67 and '68? A Yes, sir.

Q Where were they? A They were there on my father's place.

Q Well when did they leave there? A They left there in the winter or fall of '68 is my recollection.

Q Do you know what they were doing there in the year of '68? A Yes, sir, I plowed right with them.

Q Plowed right with them? A Yes, sir, right in the same field.

Q In the same field? A Yes, sir.

Q Did they claim to be Cherokee Indians? A Well I believe they did.

Q Do you know where they said they were going when they left there?

A They said they were going to the Nation.

Q You say you plowed in the same field with them? A Same field with him, they had a lease on my father's place, and he bought their crop that fall after they made it.

Q What fall? A Well the, I remarried in '68 is the reason I know this, and that woman married for my mother, and my father was probate judge, and he left everything a-pie, the reason I recollect all these things, and I didn't know nothing about farming, never had done any farming in my life, and I would go over to him and ask what I should do the next day, and what I should have done and so on.

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Arthur G. Grohinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Grohinger.

Subscribed and sworn to before me this 19th day of May, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

B

C.F.R.-674. Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1906.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:
Mr. Mellette, or Mellette & Smith, Vinita, I.T., attorneys for the applicants.
W. W. Hastings, attorney for the Cherokee Nation.

ELIZABETH DAVIS, being first duly sworn, and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 67.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Mumford Robinson?
A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I know his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had a whole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone?
A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan- her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and girls and she got these boys to gather the crop.

BY MR. MELLETTE:

Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H.Robinson is Mumford Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I know that. I don't know whether there are them or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A C. S. Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A No sir
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you that question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knew him.
Q Where did you know him? A I knew him from '63 until '70, along in '70's somewheres.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 33.
Q How can you remember back every person that you saw in '69,32 years ago? A Well I could remember their names and remember seeing them.
Q Can you remember when you last saw everybody that you saw in '69? A Yes,I can remember when I last saw them for I last saw them when they was gathering thosepotatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Not that I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs.Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Maybe that is like the Bible that was not made in '67?A Probably it is, but it is there and can be produced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then? A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

BY MR. HASTINGS: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

BY MR. HASTINGS: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked about them?
A Yes sir.
Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.
Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs.Anthony
Q How many cases have you been a witness here in? A -
BY MR. HASTINGS: I submit this is not proper cross-examination, and I object to it.
BY COMMISSION: The objection will be noted; answer the question.
A How many have I? Three besides this I believe.
Q Who were they?
BY MR. HASTINGS: I submit that that is not proper cross-examination, I object to it.
BY COMMISSION: Objection noted; answer the question.
BY MR. MELLETTE: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 87.
Q Were you married in '69? A no sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 13th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
BY MR. HASTINGS: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)
BY MR. MELLETTE: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
BY MR. HASTINGS: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.
BY COMMISSION: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, state of Kansas, on the 7th day of December 1869; same is filed herewith.

MINERVA RUNYON, being first duly sworn and being examined testified as follows:
BY MR. HASTINGS:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.
Q Do you know a colored man up there by the name of Mumford Robinson
Q I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Fatette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.
Q Who did Melvina marry? A I don't know.
Q Did you ever know one of them married Mr. Hill? A Yes sir.

C.F.D.-676.

Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '68 when I came there they was there.
Q Neighbors from '68 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
Q How do you fix the date, Mrs.Bunyon, that you knew them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 13th,1869/ 1869.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and out lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a subpoena as a witness? A I did.
Q You knew the family well I suppose? A I knew the family well.
BY MR. MCLENTYE:
Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
Q You could remember the names of these children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 13 years, 14 or 15 years.
Q And you remember the names of children 32 years you haven't seen since that time? A I do.
BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases:
D-677, D-686, D-889, D-937, D-939, D-942 and D-1018

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I, M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(SIGNED) M. D. Green.

[illegible]

[illegible]
[illegible] Office,
Fairbanks, Yukon Territory, July [illegible], 1901.

The undersigned, [illegible], being duly sworn, states that he [illegible] the [illegible] on the [illegible] Dredging Company and that the same is a true and complete copy of the original now on file with this Commission.

[illegible]

Subscribed and sworn to before me this [illegible] day of July, 1901.

Edward [illegible]
[illegible]

[illegible]

Arthur O. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur O. Croninger.

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL) (Signed) P. G. Router.

Notary Public.

I, Arthur O. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, and that said copy [illegible]

L-818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1908.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO L-818.

APPEARANCES:
Kellogg & Frith for applicant.
F. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book labeled "Docket of Doubtful Cases for Cherokee Citizenship Prior to 1871," from Delina Elgin, the following:

"No. 80. Thomas Mayfield.
Decided against defendant June 8, 1871."

MR. SMITH: Counsel for applicant objects to the introduction of the matter offered for the reason that it is incompetent, irrelevant and immaterial, and because the matter offered is not proven to be a judgment rendered against anybody; and because it is insufficient to prove any issue in this case, and because it does not tend to prove any issue in this cause, and because the same is not competent to be offered before this Commission in evidence in the form sought to offer it, and because the Thomas Mayfield mentioned therein is in no way shown to be identical with the applicant in the above entitled application.

W. W. Hastings, being first duly sworn, testified as follows:

My name is W. W. Hastings; I am one of the representatives of the Cherokee Nation. This book was given me as coming from the Executive Department of the Cherokee Nation, where the records of the Supreme Court, as well as citizenship courts, are kept, and this book is part of the records of the Executive Department of the Cherokee Nation, and at the present time in my keeping as one of the representatives of the Cherokee Nation.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1908.

(SEAL) (Signed) F. S. Reuter.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 18, 1906.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO 1-200.

APPEARANCES:
Mansfield A Smith for applicant.
Cherokee Nation by E. W. Mastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. MASTINGS: What is your name? A J. M. Johnson.
Q What is your postoffice? A Garnett, Kansas.
Q What is your age? A 50 years old.
Q What is your business? A My business is real-estate, loan and abstracting.
Q I believe you have already testified that you have lived at Garnett since '68? A Yes, sir.
Q Do you know a colored man up there by the name of Tom Mayfield? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Nicie.
Q Did they have any children? A One son that I remember.
Q What was his name? A Charley.
Q When did you learn to know Thomas Mayfield? A In '66.
Q In '66? A Yes, sir.
Q Where did he lived then, I mean how far did he live from you, in the town or country? A He lived about two miles and a half from Garnett.
Q From Garnett? A Yes, sir.
Q What direction from town? A Southeast.
Q How long didhe continue to live there, when did he leave there? A He left there in '68 or after '68, he was there on the 25th day of December, 1868.
Q Do you remember it? A Yes, sir.
Q Did you ever work with him? A No, sir, I was out at his place different times.
Q You was at his place different times? A Yes, sir.

Q On whose place didhe live, if you remember? He first lived on J. C. Gibson's place, an uncle of mine.
Q An uncle of yours? A Yes, sir, in '68.
Q Well it was after '68? A Yes, sir, when he lived on my uncle's place was July, '68.
Q Where did he live after that? A Well he moved about half a mile southeast onto J. Y. Campbell's farm.
Q Did he make a crop there in '68? A Yes, sir.
Q And sometime after this crop was made before he came to the territory? A Yes, sir.
MR. SMITH: When was it you say he left there? A He left there in '68, after '68.
Q Well how long after '68? A I couldn't tell you just what time he left in '69, he was there on the 25th day of December, '68.

Q Remember of that? A Yes, sir.
Q Where was he on the 20th day of August, '66? A He was there on Judge Campbell's farm.
Q Do you know, I know where he was there he lived until he left Lawrence, left Lawrence County.
Q Well that question was where was he on the 20th day of August, '66? A Well sir, I don't know where he was.
Q Where was he and why the last time you saw him? A He was there on Judge Campbell's place.
Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '67.
Q That time in 1867 A Spring of 67.
Q Where did he go from, where they he living before? A He moved from Gibson's farm, right adjoining Campbell's.
Q How long had he been there? A I don't know, only the year '67, he farmed Gibson's place in '66, part of it.
Q What time of the year was it in '66 when you first saw him? A I think something in June.
Q Something in June? A Yes, sir, that was my first recollection.
Q Well that's been how long ago? A Which, '66?
Q Yes, sir. A Be about 24 years, wouldn't it?
Q From now? A Yes, sir, this is 1902, and '66 would be about twenty - let's see, 20, '26, would be more than that, be about 32 years ago.

MR. MARTINOS: How many years did you say now it was, after you have figured it up? A '70 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '66 that you first saw this man? A This uncle of mine died in '66, July of '66, that's what fixed it, he was living there on the place when he was taken sick.
Q Who was? A Mayfield, living on my uncle's farm.
Q Have you ever seen him since he went away from there? A No, sir.
Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.
Q Well, Mr. Johnson, when did you first have your attention called to the time that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.
Q Well now when was he first mentioned to you? A Which, about Thomas Mayfield? We were talking about the colored people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old chow that lived there.
Q Where? A At Garnett.
Q Why didyou do that? A They were asking me what colored families I knew.
Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.
Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among he first that left.
Q Well who left at the time McNair left? A I think some of the Benns.

Q Which court? A I think Sandy was left at the same time.
Q The place? A I don't know but two owner there, some of the people, I think that probably all of them.
Q Did that make three people, one were there? A There was John, and Joe, there was five of them all together.
Q Which one was McNair's name? A Billy.
Q Billy McNair? A Yes, sir.
Q Well now, Mr. Johnson, when you the matter first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
Q What remembered that? A Remembered that from the circumstances which occurred, just related.
Q Well you had to look up the record about McNair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred about that time, then the time that they lived at Gibson's, and they left there, and the length of time they lived on there.
Q You remembered Mayfield better than you did McNair? A Yes, sir.
Q Then one it was your uncle died? A July, '66.
Q '67? A Yes, sir.
Q And you say Mayfield didn't leave until '68? A '68, sometime in the first of '69.
Q Let's see, '68, that was some time after your uncle died?
A About a year and a half.
Q Well he died in '67? A Yes, sir.
Q The next year would have been '67? A Yes, sir.
Q Next '68? A Yes, sir.
Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
Q Well there was nothing about that fact or month that you have stated that would have made you remember this man two years and a half after your uncle died, was there? A No, sir that occurrence, that would be about all, being bound back to my uncle's death there, and knowing Mr field and my uncle, the time that they lived on Campbell's farm.
Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
Q Well he lived on Campbell's farm then all the time from the time of your uncle's death on until they left? A Yes, sir.
Q Well now 36 years afterwards you remember whether it was one year and a half, two years and a half, or three years and a half?
A Could from the facts that I told you about.
Q Well you stated a minute ago that it was a year and a half? A two years and a half after figuring.
Q You had to figure it then? A No, I hadn't made no account of it, no.
Q Well now after a lapse of 36 years do you think that you can be positive that that man lived there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth from visiting.
Q What was the circumstance? A Hunting and fishing.
Q Well that long afterwards do you remember whether you had hunted and fished with a man a year or two? A Well, about seasons; '68 was a dry year with us, and about compelled to go to the creek for water, we could tell what people were living there, would remember it.

Q. Will's in the early part of 1900. A. That he left there, etc. etc.
Q. Did the clerk left there in the early part of 1900. A. Yes sir.
Q. [illegible]
Q. Approx. Burns broke up the early part of 1900. A. There was [illegible] left there in 1900.
Q. Will you [illegible] some of them left in 1901.
A. [illegible]
Q. Will you [illegible] have to begin to point. A. Being [illegible] when I could point better. If I had been [illegible] only thing of me this property it could have been improved only [illegible]. I might remember as well as well later as back further.

[illegible]

Arthur G. Bronniger, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Bronniger.

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL)

(Signed) P. S. Reuter.

Notary Public.

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I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, and the same was copied by me.

[illegible]

Subscribed and sworn to before me this 22nd day of Aug., 1902.

B. A. Jones

Notary Public.

To be filed with D-695, J. W. Robinson.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 27, 1902.

In the matter of the application of William H. Robinson for enrollment as Cherokee Freedman.
SUPPLEMENTAL TO D-674.

APPEARANCES:
Mellette & Smith for applicant,
W. W. Hastings for Cherokee Nation;

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Freedman Doubtful, 616, as well as in the case of Freedman Doubtful 200, be introduced and made apart of the record in this case.

MR. SMITH: The applicant objects because the said testimony now offered was not taken under any rule of this Commission with reference to notice to the applicant or opportunity for cross examination. The applicant further objects because the same is not the best evidence, because it is hearsay, and because it is immaterial and does not prove any issue in this case, and because it is incompetent inthe manner and form offered.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: Martha M. Hill, D-1018 Eva E. Anderson, D-889, Melvina Martin, D-887, Tobe Robinson, D-686, Josie A. Slaughter, D-677, in addition to the case at bar, being that of William H. Robinson, D-674; also in the case of J. W. Robinson, D-695. The applicants in the above namedcases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, the undersigned, being first duly sworn, as stenographer to the Commission to the Five Civilized Tribes do hereby swear thatI read the above and foregoing copyand that the same is a true and complete copy of the original transcript.

Frances S. Pate Gile

Subscribed and sworn to before me this 6th day of August, 1902.

Bruce G. Jones
Notary Public.

Supl. C. D. Feld, Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory Proof of service on M. B. Lavery, the attorney for the applicant in this case, that testimony would be introduced by the

the representatives of the Cherokee Nation which is to disprove the right of said applicant, Mosaic Brint to citizenship in the Cherokee Nation at the or time of the Constitution in Muskogee, Indian Territory, on the 21st day of March, 1893, and from day to day thereafter until the case could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its roll examiner, L. A. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell his your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '68.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Coin; Shake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the surfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Rose passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q [illegible] on the north side of the Cherokee Nation?
A I think he lives in the line, about half a mile.
Q [illegible] A [illegible] is the line, but I [illegible] it.
Q [illegible] reference to where the military road crosses the Neosho River? A Yes, sir.
Q It was [illegible] A [illegible]
Q Further [illegible] there? A Yes, sir, in about a half mile.
Q And this James Whitlire you [illegible] belong [illegible] Nation [illegible] and belonged to the Whitlire family [illegible]? A Yes, sir.
Q [illegible] A [illegible]
Q [illegible] you [illegible]? A I think [illegible] Whitlire and old Major Wright is the old [illegible] I know.
Q Are you talked [illegible] there? A Oh, I guess I talked with him [illegible] 15, 20 minutes and while I was talking to him Col. [illegible] passed [illegible] Fort Scott.
Q Do you know where this man Whitlire lives now, James Whitlire, [illegible]?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Tyndall? A No, I don't know for certain I heard he lived on Big Creek. I don't know exactly where he lives, I have not him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

S. L. 120.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1908.

In the matter of the application of Edward Wright for enrollment of himself as a Cherokee freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, upon satisfactory proof of service on the applicant's attorney that it would, on the 28th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to pay claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

[illegible]

[illegible] 1873.

Levin Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following, from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
June 21, 1872. Moses Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 255, case No. 60, as follows:

"Case 60.

Moses Whitmire, }
vs. } Tahlequah,
Cherokee Nation. } July 3, 1873.

Mr. Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois Dist. C. N. I am a citizen of the Nation. I have been on the doubtful roll but had my rights proven by before the Supreme Court,

[illegible] of 1866. I went south to the state of [illegible] in August - 61st or 62nd. 1862. I left [illegible] when I came. I came down to get me a claim. [illegible] time, and then returned to Fort Scott. [illegible] in Fort Scott was a very strong and started down. [illegible] of his father. The claimant was with him. [illegible] in Texas, Iowa. They returned to Fort Scott before [illegible] I left Kansas about the 2nd week in January, 1867 [illegible] on the Neosho river about the last of [illegible] first [illegible] was about 15 in the party. [illegible] when they came down here. There [illegible] came with the Whitmires Moylotes, Thos. Whitmire [illegible] Webber, Mike Whitmire, Ben Shaver, Jr., [illegible] Francis, Tuck Sanders.

[illegible] proper were Aaron, Louis, Henry, Dennis and [illegible] and others that I do not recollect. The object of [illegible] was for the purpose of erecting houses. When I [illegible] I stopped on Pryors Creek at Mrs. Alberty's and [illegible] the [illegible]. The reason we left that part of the country [illegible] that part of the country was too sparsely settled and [illegible]. As I was coming down the first time we were [illegible] Delegation. They were some who came here [illegible] others to look to claims for them, one was by [illegible] Nick Fields to locate for him. The original request [illegible]

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I had a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Rocky Mountain on this side of Arka. River. When the Whitmires returned to Fort Scott I do not [illegible] when they left there to come to this country as I left the [illegible] when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me. I could read.

I do not know myself that it was the month of Aug. When I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire )
vs ) August 1, 1878.
Cherokee Nation. ) Bluford Alberty, witness for claimant, called and sworn.

I reside in Coweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District.

[illegible] Lake. I had crossed over this side to the [illegible] of the first of Nov, as I remember it right my [illegible] a late [illegible] of November, to go to the Virginia. While out there [illegible] a party of seven or eight persons who were [illegible] with others near Fort Gibson. I did not go to the camp, they were [illegible] on it. I knew most of them. Their names were old [illegible] Lewis Whitmire, and I judge my brother and Lewis Whitmire. [illegible] I was told was Lightner. I do not remember any of the others and can not identify them. The [illegible] were Johnson [illegible], George Whitmire, Aaron, Lewis and [illegible] belonged to George. In conversation with Sam Webber he said [illegible] this chief that the treaty gave if Jim McDaniel had [illegible] I told him I had not seen the treaty but had heard [illegible] it. He told me they had come to pick themselves homes or [illegible] and that he was the leader of the company and the reason why [illegible] not come was that he was an old man, but that [illegible] to work for him and make him a claim. He said [illegible] there was to get provisions over on the river; I told [illegible] there, but that there was a lot of corn [illegible] if they could go there they could get some.

[illegible] that they had come over to make claims for others, [illegible] resided in Kansas, to build them houses and so forth. They [illegible] that they were notified to come, and that they and [illegible] to make claims for themselves and the others that [illegible] left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. [illegible] not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to procure homes for themselves and families. They told me so at least. Aaron Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the [illegible] of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Langham was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Exd Cont.

I [illegible] claims before this court for citizenship. I [illegible] half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation in 1866 were Mike Sanders, Sam Foster, Peter Reign, Bill Jones, Tuck Sanders, Dennis Daniels, Sam Foster, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can remember now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I don't know any of others. Witness was head of family in 1866 when he came on Pro. Witness. My family consisted of Mariah Hatliff, Ed Wright, and my wife and myself constituted my family. Besides had no family. Aaron and Nelson did. Major, [illegible], Nelson and Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Mike Sanders, Tuck Sanders were Nelson's family and back at Fort Scott. We left January 1866 to Kansas after coming to the Nation. Some of these returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Farmer Daniels, Tuck Sanders, Peter Reign and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families came to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melia A Hatliff was owned by one Alec Hatliff at breaking out of war. She first came in March 1867. Jack Landrum was also in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family )
vs ) Claming citizenship.
Cherokee Na ion. )

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

[illegible]

[illegible] Virginia River for himself and his family's permanent residence.

[illegible] for the removal of his family [illegible] for their subsistence and assistance at the place [illegible] they [illegible] family [illegible] they had been sojourning [illegible] the war.

Claimant was compelled by unfavorable circumstances and the situation [illegible] to remove [illegible] his family to [illegible] Virginia River from the [illegible] of the same year, [illegible] and his improvement, after which he removed his family on [illegible] to wit in the spring of the year of 1867.

[illegible] to have returned to this Nation in [illegible] and per[illegible] of his family within the [illegible] County, in that having no residence to [illegible] their other citizens he did every thing possible to constitute [illegible] compliance with the duty he owed to his family by labor [illegible] means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Rowlett.

Aaron Whitmire

vs

Cherokee Nation.

August 1st, 1870.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Ceowcesccowee, C. N. As a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Helgs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I did not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I got out of Wills Cove, late that day the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were all who crossed back but I did not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with them since at that time. I think there was one woman with the party, I think she was little Sam Webber's wife though I would not be right positive that there was a woman along or not. I was positive there was no children as I never saw any. They had carried the 6 Ibs. enough that were they any women or children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked around thereabouts.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got that over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire )
Vs )
Cherokee Nation. )

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest;

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

[illegible] of clothing to [illegible] and hospitality on part of the [illegible] [illegible] [illegible] I was startled and [illegible] [illegible] [illegible]

About the middle of May 1867 I found our Indian people with their families at their new homes. Children and orphans of this colored party were witness that they returned in March 1867 to the Nation.

Q. Signed

I learned from John Colker that some of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution after the treaty and to ratify the treaty. The treaty was ratified the 8th of Aug. 1866 to my information. It might have been July 19, 1866.

Witness went south during the war. S. B. Jones was not at the time herein mentioned U. S. Agent but was Delegate and was Agent afterwards.

R. F. Alberty.

Attest
S. L. Nicholson,
Clerk.

| | |
|---|---|
| Moses Whitmire vs Cherokee Nation. | Tahlequah May 16, 1870. |

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

---

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

---

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce C. Jones
Notary Public.

[illegible] that this being the 31st day of May, [illegible] under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The [illegible]

The law provides that the roll of Cherokee Freedmen shall be made in strict compliance with the course of this Court of Claims rendered the 3rd day of February, 1896, and as the Commission must [illegible] judicial notice of the [illegible] of said court in the proceedings [illegible] the additional time to file [illegible] for applicant's [illegible] is denied.

The undersigned, being duly sworn, states that as stenographer [illegible] Commission to the Five Civilized Tribes he correctly recorded [illegible] and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Exhibit 2.

Dropped 3 [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May [illegible], 1[illegible].

In the matter of the application of [illegible] ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith. Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17300 filed in the Mariah Hayden case D 490, a part of the record in this case and the same hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

James N. Robinson, D 638;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
ACTING COMMISSIONER

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Nowata, Indian Territory, June 11th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1901, in the matter of the application of James W. Robinson for the enrollment of himself as a Freedman of the Cherokee Nation.

Melvin & Smith

Attorneys for Applicants.

Cherokee F. #D695.

F D 635

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190

Given under my hand this _____ day of _____ A. D. 190

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of _____ 190

Merritt Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A. D. 190

_____

Subscribed and sworn to before me this _____

_____
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

# NOTICE!

*IN THE MATTER OF* the application of James W. Robinson for enrollment as Cherokee citizen.

Case No. D 695

To James W. Robinson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

C. B. Bell

C. Hartshorne

Attorneys for the Cherokee Nation.

NO 52695

UNITED STATES OF AMERICA
Indian Territory,
Northern District,

I do solemnly swear that I delivered a true copy of the within notice to

FILED
MAY 23 1902

on the day of A.D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190

Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 24 day of May 1902

Mellott L Smith
Atty Agent for Applicant.

FILED
MAY 23 1902

# NOTICE.

In the Matter of the application of J. W. Robinson.
for enrollment as Cherokee citizens.

To J. W. Robinson, or Mellette & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 27, , A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 21, 1902.

L. B. Bell
M. W. Hastings
Jas. Dan[illegible]
Attorneys for the Cherokee Nation.

No. F D 695.

Cherokee Freedmen
D 699

Muskogee, Indian Territory, March 24, 1904.

James V. Robinson,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. V-81

Registered.

COPY.

Cherokee Freedman
P 656

Muskogee, Indian Territory, March 24, 1904.

Edgar Smith,

Attorney for James W. Robinson,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplemental proceedings had in the matter of the application of James W. Robinson for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 8, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. V-82

Registered.

Cherokee Freedmen
D 691

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application of James W. Robinson for enrollment as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

Encl. V-63

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D 608

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of James W. Robinson for enrollment as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Encl. V-84

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

LAWS
20836-1904.

July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of James W. Robinson for enrollment as a Cherokee freedman.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The record shows that the applicant's name is borne on the Kern-Clifton and Wallace rolls, and that he was in the Cherokee Nation at the beginning of the war of the rebellion, went out of the Nation during the war and returned to the Cherokee Nation in May 1866 and it appears that he has remained in the Nation to the date of the record. The witnesses Lewis Whitmire, William H. Robinson, Harry Still testify to his presence in the Nation since 1866, and the witness Fillmore Hicks, a Cherokee by blood, testifies to seeing the applicant in January 1867 in the Nation.

The Cherokee Nation present the testimony of Elizabeth Davis, that she knew a man at Fort Scott, Kansas, from 1868 to 1869, whose name was Mumford Robinson, with a wife and a whole housefull of children, among whom, was a child called Jim. That she does not know that the applicant is the "Jim" she knew. This witness appears as a semi-professional one in behalf of the Cherokee Nation. The other witness presented by the Cherokee Nation, Minerva Runyon, of Fort Scott, Kansas, swears she knew Mumford Robinson when she was seven years old and knew more sisters of the applicant than he does.

The remainder of the testimony appears to be immaterial to the issue.

In view of the record the approval of the Commission's decision adverse to the applicant is not recommended, but that the applicant be enrolled as a Cherokee freedman.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M.
W.

3 encl.

L. T. 8262-1904.
I.T.D. 8788-1904.
L.R.S.

E.A.B.
Enl. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. July 22, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of James W. Robinson for enrollment as a Cherokee freedman, including your decision of March 5, 1904, rejecting the application.

Reporting in the matter July 13, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be not approved, and that the applicant be enrolled as a Cherokee freedman.

You are directed to advise the applicant and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the matter that he may desire, and the applicant ten days within which to reply to same.

Respectfully,

Thos Ryan

Acting Secretary.

Cherokee Freedmen

D-698.

Muskogee, Indian Territory, August 1, 1904.

Edgar Smith,

Attorney for James W. Robinson,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of James W. Robinson for enrollment as a Cherokee freedman you are advised that the Commission is in receipt of departmental letter of July 22, in which it is stated that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision rejecting this applicant be not approved and that the applicant be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior such argument as they may desire to submit in this case, copies of which they will be required to furnish both the applicant and yourself. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a

reply to said argument.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-668.

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of James W. Robinson for enrollment as a Cherokee freedman the Commission is in receipt of departmental letter of July 22, stating that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision in this case, rejecting the applicant, be not approved, and that the applicant be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter you are advised that you will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior, such argument as you may desire to submit in this case, copies of which argument you will be required to furnish the applicant and his attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

2-600.

Muskogee, Indian Territory, August 2, 1904.

James W. Robinson,

Catale, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that the Commission is in receipt of departmental letter of July 22, in which it is stated that the Acting Commissioner of Indian Affairs in his letter of July 13, recommends that the Commission's decision, rejecting your application be not approved, and that you be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter the attorneys for the Cherokee Nation have this day been advised that they will be given thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, copies of which they will be required to furnish both yourself and your attorney of record, Edgar Smith, Vinita, Indian Territory. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary of the Interior a reply to said argument.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 12, 1906.

Blue & Bulger,

Attorneys at Law,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 6th instant, wherein you ask that the time be extended for filing briefs on behalf of the applicants in the cases of James P. Robinson, Cherokee Freedman D-695, William H. Robinson, Cherokee Freedman D-674, Josie A. Slaughter, Cherokee Freedman D-677, Tobe Robinson, Cherokee Freedman D-685, Melvina Robinson, Cherokee Freedman D-687 and Martha M. Hill, Cherokee Freedman D-1018.

In reply you are advised that you will be allowed ten days from date to file with the Commission for transmission to the Secretary of the Interior any argument that you may desire to submit in these cases.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, October 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 28, 1904, (I.T.D. 5902-1904), there is herewith transmitted argument filed with the Commission by the attorneys for the Cherokee Nation in the case of James V. Robinson, Cherokee Freedmen D-678.

No reply has been filed on behalf of the applicant.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. B-26.

COPY

Cherokee Freedmen
D-498

Muskogee, Indian Territory, November 2, 1906.

Mine A. Culver,

Attorneys for James W. Robinson,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of October 21, inclosing argument on behalf of applicant in the matter of the application for the enrollment of James W. Robinson as a Cherokee freedman, and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Tams Bixby.
Chairman.

COPY

Cherokee Freedman
B-40.

Muskogee, Indian Territory, November 2, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 22, 1904 (I.T.D. 8702-1904), there is herewith transmitted argument filed with the Commission on behalf of the applicant in the matter of the application for the enrollment of James W. Robinson as a Cherokee freedman.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. B-40

(copy)

D.C.G.M.M. DEPARTMENT OF THE INTERIOR, J.R.Jr.
I.T.D.8908-1904. WASHINGTON.
11148- "
11876- "
L.R.S. "

September 20, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 24, 1904, the Commission to the Five Civilized Tribes transmitted the record of the proceedings in the matter of the application of James W. Robinson for enrollment as a Cherokee freedman, including its decision dated March 8, 1904, adverse to said application.

Reporting July 13, 1904 (Land 80536), the Indian Office does not concur in the Commission's decision. A copy of its letter is inclosed.

The evidence submitted in this case is very unsatisfactory. It is not clearly proven that the applicant was a free negro living in the Cherokee Nation prior to the war of the rebellion. If this applicant resided in the nation from 1866 until 1869, during which time it is alleged by the witnesses for the nation that he was living in Fort Scott, Kans., sufficient proof of the residence of Mumford Robinson and wife, the parents of this applicant, should be obtainable to overcome the testimony

of the nation's witnesses and the slight presumption raised by the deed executed by said Rumford Robinson and wife in Bourbon County, Kansas, on December 7, 1897, an explanation of which is presented.

The Department finds no reason to disturb the decision of the Commission to the Five Civilized Tribes, and it is hereby affirmed.

The record and accompanying papers in the case are returned for the files of the Indian Office. (6 inclosures.)

Respectfully,

Jesse H. Wilson

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Cherokee F.
D. 697

Muskogee, Indian Territory, October 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of James W. Robinson, for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior September 20, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED: Tams Bixby
Commissioner.

Incl.C-15
LMC

Cherokee F.
D. 698.

Muskogee, Indian Territory, October 8, 1906.

James W. Robinson,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior September 20, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED: Tams Bixby
Commissioner.

Incl.C-14
LMC

(0097)

D.F.45161
I.T.D.8708-1904.
11148-
11876-
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

S.W.Sr.

September 20, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 24, 1904, the Commission to the Five Civilized Tribes transmitted the record of the proceedings in the matter of the application of James W. Robinson for enrollment as a Cherokee freedman, including its decision dated March 8, 1904, adverse to said application.

Reporting July 12, 1904 (Land 20538), the Indian Office does not concur in the Commission's decision. A copy of its letter is inclosed.

The evidence submitted in this case is very unsatisfactory. It is not clearly proven that the applicant was a free negro living in the Cherokee Nation prior to the war of the rebellion. If this applicant resided in the nation from 1866 until 1869, during which time it is alleged by the witnesses for the nation that he was living in Fort Scott, Kans., sufficient proof of the residence of Mumford Robinson and wife, the parents of this applicant, should be obtainable to overcome the testimony

of the nation's witnesses and the slight presumption raised by the deed executed by said Rumford Robinson and wife in Bourbon County, Kansas, on December 7, 1897, no explanation of which is presented.

The Department finds no reason to disturb the decision of the Commission to the Five Civilized Tribes, and it is hereby affirmed.

The record and accompanying papers in the case are returned for the files of the Indian Office. (8 inclosures.)

Respectfully,

Jesse E/ Wilson

Assistant Secretary.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(0097)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

LAND
80838-1904.

July 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of James W. Robinson for enrollment as a Cherokee freedman.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The record shows that the applicant's name is borne on the Kern-Clifton and Wallace rolls, and that he was in the Cherokee Nation at the beginning of the war of the rebellion, went out of the Nation during the war and returned to the Cherokee Nation in May 1866 and it appears that he has remained in the Nation to the date of the record. The witnesses Lewis Whitmire, William H. Robinson, Harry Still testify to his presence in the Nation since 1866, and the witness Fillmore Hicks, a Cherokee by blood, testifies to seeing the applicant in January 1867 in the Nation.

The Cherokee Nation present the testimony of Elizabeth Davis, that she knew a man at Fort Scott, Kansas, from 1868 to 1869, whose name was Mumford Robinson, with a wife and a whole housefull of children, among whom, was a child called Jim. That she does not know that the applicant is the "Jim" she knew. This witness appears as a semi-professional one in behalf of the Cherokee Nation. The other witness presented by the Cherokee Nation, Minerva Runyon, of Fort Scott, Kansas, swears she knew Mumford Robinson when she was seven years old and knew more sisters of the applicant than he does.

The remainder of the testimony appears to be immaterial to the issue.

In view of the record the approval of the Commission's decision adverse to the applicant is not recommended, but that the applicant be enrolled as a Cherokee freedman.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

3 encl.

Cherokee Freedmen D 698.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Robinson for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 11, 1901, James W. Robinson appeared before the Commission at Chelsea, Indian Territory, and made application for enrollment as a Cherokee Freedman. Copies of the testimony taken in the cases of Edward Wright and Thomas Mayfield, also of the testimony taken at Muskogee, Indian Territory, March 3, 1902, in the case of William M. Robinson, et al. are made a part of the record herein.

The evidence shows that the applicant is a son of Mumford Robinson and his wife, Annie Robinson; that the applicant and his parents were free colored persons residing in the Cherokee Nation at the commencement of the rebellion; that during the rebellion the applicant and his said parents removed to the State of Kansas where all of them resided until after the time specified, for the return of Freedmen to the Cherokee Nation, in the decree of the Court of Claims rendered, February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al.

The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of James W. Robinson as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1902

Commissioner.

Cherokee Freedmen D 998.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 21, 1906.

In the matter of the application of James W. Robinson for enrollment as a Cherokee Freedman.

# APPLICATION FOR

It is ordered that copies of the testimony taken at Muskogee, Indian Territory, March 3, 1905, in the matter of the application for the enrollment of William H. Robinson, et al. as Cherokee Freedmen be filed herein and made a part of the record in this case.

Commissioner.

# CHEROKEE FREEDMEN.

Date JUL 11 1901

Post Office

Tribal

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page

Parents

Father

Citizenship

Mother

Citizenship

Doubtful

Names of Children

| | | | | |
|---|---|---|---|---|
| 3. | Year | Page | No. | Dist. |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Doubtful

Application made by Pro, 1 Stenographer W. C. Jones

1 Ent K.B. roll as Jesse Robinson
1 in Wallace roll, Page 134 #3208 Wesley Robinson

Represented by Mellette and Smith, Muskogee I.T.

15.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Chem. Fr. R. 976

Trans. from Chem. Fr. D. 698

Chem. Fr. R. 976

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE CHICKASAW TRIBE
FILED
AUG 19 1903

File with Cherokee Freedmen. :- 6?8, Fleming Landrum

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 16, 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen: said Landrum being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

Q Give me your full name? A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And they are all living now? A Yes, sir.
Q ~~Have you a wife?~~ Have you a wife? A Yes sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation than all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed? A Yes, sir, in the late war:
Q Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought.
Q I stopped in Kansas when I was mustered, in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother? A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years. 36 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 51.

Q When were you and she married? A We were married the first October at the ending of the war.

Q Where are you married? A Married in Kansas.

Q To whom did she belong when the war broke out? A She belonged to a man by the name of Mike Wright.

Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Where did she live? A She was a daughter of Jesse Martin, she lived down here on Grand River at the Green Brier Place.

Q Were you ever married before you married this woman? A No, sir.

Q Was she ever married before she married you? A No, sir.

Q Give me the names of these five children? A Jesse Landrum.

Q How old is that child? A Twenty.

Q The next child? A John Landrum.

Q How old is he? A 18.

Q The next child? A Jim Landrum.

Q Jim, Jr. Isn't it, you the old man? A Yes, sir.

Q How old is your boy Jim? A 13.

Q The next child? A Barbara.

Q How old is Barbara? A 16.

Q The next child? A Nelson.

Q How old is Nelson? A Eight, will be in July.

Q Are you on the 1880 roll? A I ought to be.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.

The 1896 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

Page 153, #3705, James Landrum, Goweescoowee District.
Page 153, #3706, Margaret Landrum, Goweescoowee District.
Page 153, #3708, Jessie Landrum, Goweescoowee District.
Page 153, #3791, John Landrum, Goweescoowee District.
Page 153, #3792, James Landrum, Goweescoowee District.
Page 153, #3794, Nelson Landrum, Goweescoowee District.

Q How comes you didn't get money for Barbara? A I did get money for her.

Page 153, #3793, Emma Landrum, Goweescoowee District.

Q Did you ever call that child Emma? A Sometimes.

Q Well Emma is really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.

Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.

Q You applied, didn't you? A Yes, sir.

Q And what did they say to you: what did they do to you?

A Well, when they made that '80 roll my father told me to work on the place and he would put all of us children on.

Q Is your father himself on there? A Yes, sir, I think he is.

The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 645, #663, George Landrum, Saline District.

Q Caroline, who is that? A That's my stepmother.

Q Who is Samuel? A My brother.

Q Your full brother? A Yes, sir.

Q Who is Daniel? A That is my brother.

Q Full brother? A Yes, sir.

Q Sherman, is he your brother? A Yes, sir.

Q Full brother? A Full brother.

Q Now, you were in the army during the war? A Yes, sir.

Q Where were you disbanded, where were you mustered out?

A Fort Leavenworth, Kansas.

Q How long did you stay up there after you were mustered out?

A We were mustered out, it was in '66, and then I came home and looked my people up and found them and then during that Christmas after I was discharged I come on down to the Nation, I didn't stay

in Kansas very long.

Q You got married in Kansas? A No, sir, I didn't marry when I came down here.

Q You married in Kansas? A Yes, sir, I went back and married them.

Q What year was it you married in? A It was.

Q How long after you were mustered out? A The next spring.

Q You were married in 1866, married the next spring? A Yes sir.

Q You didn't mean '66 you mean '67? A Yes, sir, I mean along there I can't remember good.

Q You say you were a slave in '61? A Yes, sir.

Q Let me understand now just what you mean: you were mustered out in '66 at Leavenworth were you? A I don't know whether it was '66; I was mustered out the same time Allen Lynch was mustered out.

Q When were you mustered out? A First Kansas Colored.

Q What company were you in? A I was in Company H.

Q Well you were mustered out; what time of the year were you mustered out? A Along, it was getting late in the fall.

Q Well, how long after you were mustered out was it before you came South? A That same winter.

Q You came down you say to look up your people? A No, my people lived in Kansas, I came down here to locate a place.

Q Had you heard of the treaty when you came down? A Yes, that was the talk of the crowd I came with, all came together.

Q You heard of the treaty having been passed? A Yes, sir.

Q What time was it in the winter you came down? A Just a little before Christmas.

Q A little before Christmas? A Yes, sir.

Q Where did you go? A Come down here in the Nation.

Q Well, did you pick out a place? A We stopped at the place after I got down here.

Q Well, you hadn't married at that time? A No, sir.

Q Well, when did you go back to Kansas? A That spring.

Q And when did you marry? A That spring after I went home.

Q Married pretty soon after you got back there? A Yes, sir.

Q You say when you went home; you mean when you went to Kansas?

A Yes, sir.

Q. How long did you stay in Kansas after you married?

A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.

Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.

Q Well, how long did you keep that up before you went back and got your wife? A Quite a while.

Q Well, two or three years, four years? A No, it would not be that long.

Q Well how long? A About a year.

Q And then you went back to Kansas and got your wife? A Yes sir.

Q And then you brought her down to the Nation? A Yes, sir.

Q Had you any children at the time you brought your wife down to the Nation? A No, sir.

Q You have some children that are old enough to apply for themselves? A Yes, sir.

Q Were any of them born in Kansas? A No, sir.

Q Were all of them born in the Cherokee Nation? A Yes, sir.

Q Well, when you brought your wife down that time did she continue to make her home here with you? A Yes, sir.

Q Had she made her home here ever since? A Yes, sir.

Q Well, when you came down from Kansas who came with you the first time you came? A Arch Landrum.

Q Did any of your family come with you? A No, sir, I wasn't married then.

Q I am talking about your father and mother? A I came before my father did.

Q Well, how about your brothers? A I came before any of them did.

By Mr. Davenport:

Q You had children born when the last roll was made, didn't you, Jim? A I didn't get any learning. I don't know when the '80 roll was made.

Q It didn't take learning to know whether you have got a child 20 years old or not also? A I don't know.

Q Have you or not got children that are more than 20 years of age?

A Yes, sir.

Q Where were you living when the 1880 roll was made? A Living here on Grand River.

Q What place on Grand river? A Below Ten Yard.

Q At what place? A I had no postoffice then.

Q Did you postoffice on Grand river in 1880? A Had no postoffice when I came.

Q I am asking you about when you came, I am asking you about 1880? A All the postoffice I know of then it was up about Tiblow's.

Q That was in 1880? A I don't know when it was.

Q Where was it you were living in 1880? A Down about Ten Yard.

Q Where did you live with them? A I lived with him, helped make that plow.

Q You and your family lived there with your father in 1880?

A Yes, sir, part of the time.

Q Did you and your family live there with him in 1880? A Not much.

Q Did you live there partly with him? A With him all the time.

Q Well how long did you live with him? A I don't know.

Q How long did you live in Kansas after you were married?

Q I didn't live there any time.

Q How long do you think your family stayed there? A I went and got my family, my wife.

Q Did you bring her home as quickly as you married? A Yes, sir.

Q Where was she living at the time you married? A At Tuskey.

Q And you left immediately for the Territory? A Yes, sir.

Q Have you lived in Kansas since then? A Some.

Q About how long have you lived in Kansas? A Oh, I don't know, just a little bit, lived in Kansas and worked.

Q What place or places have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.

Q You say you have lived some in Kansas since: I want to know what places you have lived? Q When I went back my folks lived there near Neosho, Kansas, my father did.

Q You have got people living at Neosho Falls now? A No, sir.

Q You are not kin to Bell Landrum? A No, sir.

Q Do you know what her husband is named? A Yes, sir.

Q What his name? A July Landrum.

Q He is no relation of yours? A No, sir.

Q Neosho Falls is where he lives isn't it? A I don't know where he lives.

Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir.

Q Where have you lived? A Down here on Grand River.

Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's ferry.

Q Have you lived in any other place out of the Cherokee Nation?

A I lived at Gibson.

Q Gibson isn't in Arkansas? A No, sir.

Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Not that I can remember.

Q Did you apply to the Dawes Commission in 1898? A Don't remember.

Q You would remember it wouldn't you if you had of done so?

A I don't know whether I would or not.

Q You remember the happening of things very well don't you?

A Sometimes and sometimes don't.

Q What county in Kansas were you married: you said you were married at Tuskey? (No response)

Q What county was it in? A I don't know; it is in Cooweescoowee County or Delaware County.
Q What was the county Seat? A Burlington.
Q When came back to the Cherokee Nation in what year did you say?
A The winter I was mustered out.
Q What winter were you mustered out? A That is what I don't remember.
Q You don't know when it was you were mustered out and don't know when it was you came back to the Cherokee Nation?
A No, sir, it was in the winter I was mustered out.

JOHN LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

By Mr. Smith, of Counsel for Applicants:

Q State your name? A John Landrum.
Q How old are you? A 58.
Q Where do you live? A On Lightning Creek.
Q What is your postoffice? A Kenwan.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Jim Landrum? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q No one? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand river.
Q Well, what part of Grand River? A The Island Ford as they call it; Tah Yerd Ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Easter Landrum.
Q She was a Cherokee citizen? A Yes, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war of your own knowledge?
A During the war, he was a soldier during the war.
Q And you first saw him back here in the Cherokee Nation at what time? A It was here in '66, on the Grand river there at his daddy's.

By Mr. Davenport:

Q What makes you remember it was in '66? A Because I know it.
Q Well what year was the Wallace roll made? A I could not tell you.
Q You were here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Kern Clifton roll made? A I don't know.
Q You were here? A Yes, sir.
Q You don't know? A I aint got no education.
Q How do you know '66? A I know it.
Q How do you know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty do you mean, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q His father was with him was he? A Yes, sir.
Q Did his father come back at the same time he did?

A Yes, sir, of course he did.
Q Then if he says he came before his father did he is mistaken isn't he? A He came before that time expired and remained. He stayed with Arch Lindsey and Lewis Dove.
Q And his father didn't come with him at that time? A No, sir.
Q Well, do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place, do you know? A Place they called Leroy, just the other side of Leroy. I forgot the name of the place but I know just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stayed up there a great while.
Q Has he been living near you ever since he came back? A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you; that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.
By Mr. Smith:
Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.
By Mr. Devenport:
Q Wasn't the Wallace rolls and Ward-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember them? A No, sir.
By Mr. Smith:
Q Where were you when you first heard of this time that the negroes had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay
Q Hearing the people talking about it? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your name? A Harry Still.
Q How old are you? A 54.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
Q Do youmean put on one by this Commission? A Yes, sir, at Vinita
By Mr. Smith:
Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 50 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war?
A It was up pretty near about the first of February when I saw Jim.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.

Q Well, about what time you think you saw him? A About last part of '66.

Q What did you mean by saying it was in February? A It was in the last part of '66.

Q Well was it in '66? A Yes, sir.

Q How long was it from Christmas? A Why it was about the last part of Christmas. Just after Christmas, when I saw him at his father's.

Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part: I mean January, the last part of January, '66, it was after Christmas when I saw Jim of '66.

Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.

Q Where did you see him first? A At his father's on Grand River.

Q Had you seen him before that? A Yes, sir.

Q Where did you see him? A Saw him in the first Colored Regiment.

Q Where has Jim Landrum been living since the time you saw him at his father's on Grand River? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.

Q Well, now, let's see: I don't understand what you mean by the time you first saw him; I don't understand that. Do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.

Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?

A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

By Mr. Davenport:

Q You saw him sometime after Christmas, '66? A Sometime.

Q You don't remember about how long after Christmas it was?

A No, sir, it was about the last part of '66.

Q You thought when you first stated that it was in February, '66?

A I am not positive.

Q Was it about February after the Christmas of '66 or not?

A I am not positive.

Q You know anyway it was after Christmas? A It was about the last part of '66.

By Mr. Smith:

Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.

Q The third trip you made? A In the fall, along there, in October.

Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.

Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil War, the testimony is conflicting. He states that he was a member of the First Kansas Colored Reigment, Company H, 79th U.S.; he defines it as the First Kansas, 79th K. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now

given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 35 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 21 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife has never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of his five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 22d day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11th, 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A About 50.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.

Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anyone besides yourself? A I would put my child
Q How old is the child? A She is 12 years old.
Q How long have you lived in the Cherokee Nation? A Off and on all the time.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you a citizen in the Cherokee Nation before the war broke out? A Yes, sir.
Q Did you belong to a Cherokee master when the war broke out?
A Yes, sir.
Q Give me the name of your master? A Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Have you been out since the war? A Been out and in since the war
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked since the war some.
Q Give me the name of your father? A George Landrum.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A Cassie Landrum.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I think about 12 years.
Q Was your father a Cherokee freedman? A Yes sir.
Q Was your mother a Cherokee freedman? A Yes sir.
Q Where did your master Ben Landrum live? A On Spavinaw Creek.
Q In what district? A Delaware I think.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Kirkpatrick.
Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.
Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living now? A Yes sir.
Applicant not on the 1880 or 1896 roll.
Kern Clifton roll examined and applicants found as follows:
page 155, No. 3793, Celia Daniels, Cooweescoowee district.
page 153, No. 3798, Ethel Daniels, Cooweescoowee district.
Q How comes it that you are not on the roll of 1880? A I don't know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A Neosho Falls, Kansas.
Q With who? A Lots of us.
Q Did you come with your husband? A Yes sir he come too.
Q Did you stay there until after the war? A Yes sir.
Q When did you come back? A In the spring I guess.
Q Of what year? A When my father and Simon Lynch came, I don't know the dates.
Q Did your husband come back with you? A No sir.
Q When did he come? A He sent me on with his father and my father and he staid and worked a while and he come down the next spring after I did.
Q Did you have any children at that time? A No sir.
The authenticated roll of 1880 examined and the name of the

applicant, having identified as the same he testified
Come out, so ho, George Landrum, Salina District.
You have been summoned for a panel which the applicant
has chosen and come to testify on behalf.
Come out. So, out, Sugar Creek, Salina District.
Q How long after you got back before Pegg Blackard came? A In the
spring.
Q How long after you got here before he came? A I guess it was
a year.
Q You came the spring and he came the next spring? A Yes sir.
Q Where he came from? A I guess he did at home.
Q But he does he live now here? A I don't know.
Q Is there anyone here who knows of your having been married?
A Yes, sir.

Sugar Lawson, called and sworn to a witness for the applicant.
testified as follows:
(By Com'r Breckinridge)
Q What is your name? A James Landrum.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life
off and on.
Q Were you out during the war? A Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir
Q Do you know this applicant here? A Yes, sir.
Q What kin is she to your? A My sister.
Q Are you a son of George and Cassie Lawson? A I am a son of
George and Peggy.
Q You and this applicant are not full brother and sister then?
A No, sir. Half brother to her, my mother was Peggy and her mother
was Cassie.
Q Was your father married to Peggy before he married Cassie?
A Yes, sir.
Q When did he marry Cassie, was it in slavery days? A Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both of his wives slaves? A Yes sir.
Q Did he pretend to live with both of them at the same time?
A Yes sir.
Q Was that sort of thing permitted in that day? A Yes
sir that was the go in those days, nigger babies is what was wanted.
Q Do you remember when George Landrum came back to the Cherokee
Nation.
Q Was you with him? A No sir, I come first before he did.
Q Were you here at the time he came? A Yes sir.
Q You went back to Kansas for your family didn't you? A Yes sir.
Q Were you here when your father came, or were you back for your
family? A He came when I went back to Kansas.
Q You didn't see him when he got here? A No sir, I saw him when
he started from there.
Q Was your sister with him? A Yes sir.
Q When you got back did you see him? A Yes sir.
Q Was that sister with him? A Yes sir.
Q How long after you saw them in Kansas did you see them here? A It
was before I got back here.
Q You saw them in Kansas? A Yes sir.
Q How long after that did you next see them in the Cherokee
Nation? A In the next fall following.
Q What time of the year did you see them leave Kansas? A It was
in '68 I think it was.
Q What time of the year? A In March.
Q Of '68 and '69? A March of '69.
Q You saw them leaving Kansas? A I think it was.
Q Was the last time you ever saw them? A Yes sir, just right at the block of

the war.
Q Is your name on the roll of 1880? A I don't think it is.
Q You enrolled for yourself a few days ago? A Yes sir.
Q You ought to know, you had told at the time you wasn't? A Yes sir.
Q Don't you remember? A Yes sir, I remember.
Q Did your relationship with your sister when they came back? A No sir
Q Where was she? A At Gibson.
Q Did she live with your father at the war? A No sir.
Q Did she go out during the war? A Yes sir.
Q What was the name she went by after the war, Landrum? A Yes sir.
Q Didn't she marry another man and take his name? A No sir.
Q How long do you think Cesarie Landrum has been dead? A She has been dead 12 or 13 years.
Q Did she continue to live in the Cherokee Nation after the war?
A Yes sir.
Q Where has this 1/2 sister of yours lived since the war? A She has lived at Brown's Ferry and Lynch's Ford and in Simon Lynch's settlement and in Arch Dendron's cattle ranch.
Q Did she ever lived outside of the Cherokee Nation since the war?
A Most of the time.
Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A No sir.
Q What do you mean to say then? A That she has lived right where my father first brought her most of the time since the war.
Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A Yes sir.
Q You are positive that she has made her home here all the time since the war? A Yes sir.

(By the Commission of the applicant-)
Q You didn't indicate that you had made your home here all the time since the war did you? A I worked out some.
Q Where have you been out at work? A At Neosho Falls some times.
Q Any other places? A Chetopa.
Q Anywhere else? A No sir.
Q How much work have you done at Neosho Falls? A Sometimes six months maybe seven, then I would make a trip back here.
Q Did you take your family with you? A Yes sir I would take the baby there sometimes.
Q How about Chetopa? A Yes sir the same way.
Q Have you spent as much as half your time in Kansas? A No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
Q When did your last husband die? A 2 years ago.
Q Where did you marry him? A Neosho Falls.
Q Where did you marry your first husband? A On the river where I live now.

(By Commissioner of witness, James Landrum)
Q What was the name of your sister's first husband? A Tom Daniels.
Q When did she marry him? A Long before the war.
Q How long has he been dead? A Been dead about 12 years.
Q Did she live with him until she died? A Yes, sir.
Q Who was the name of her second husband? A Jerry Kirkpatrick.
Q How long has he been dead? A About 4 years I think.
Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.
Q Did she marry him after Tom Daniels died? A Yes sir.
Q Was she ever married except these two times? A No sir.
Q Did she live with Kirkpatrick until he died? A Yes sir.
Q Do you know that your sister had been in the habit of going to Neosho Falls and Chetopa and working there? A No sir.
Q You don't know anything about it? A No sir.

Q Say testimony shows that [illegible] half for them there and you say you have been the [illegible] time and don't know anything about it? A. [illegible]

By the Commissioner.-

Q The testimony of the applicant and of the witness James Langston given at this point will be filed in the case of the said James Langston, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application of Cherokee Freedman [illegible]

I, Chas. von Weise, upon my oath, state that the above is a true and complete copy of that much of the original testimony as has been ordered filed in Cherokee Freedman Doubtful case [illegible].

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 29th of July, 1901.

Signed, H. S. Green,

(Seal) Notary Public.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

[copy]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 16, 1902.

In the matter of the application of Frances Banks for the enrollment of herself and two children.

Appearances:
Mellette A Smith, attorneys for applicants.
L. E. Davenport, of counsel for Cherokee Nation.

Frances Banks, being duly sworn and examined by Commissioner Doolin, testified as follows

Q What is your name? A Frances Banks.
Q How old are you? A 30.
Q What is your post-office address? A Vinita.
Q What district do you live in? A I can't tell you, I think live east of the M.K. & T. Railroad.
Q Why didn't you come to Vinita when we were there? A I was busy and couldn't get there.
Q You were not too busy to come farther. You apply to be enrolled as a Cherokee Freedman? A No sir, I am a descendant.
Q Still you want to be enrolled, do you? A Yes sir.
Q Who do you want to enroll besides yourself? A Two children.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Banks.
Q What are your children's names? A Earl.
Q How old is Earl? A 7.
Q What is the next one? A McKinley.
Q How old is McKinley? A 4.
Q What is your father's name? A James Landrum.
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret Landrum.
Q Is she living? A Yes sir.
Q Are these children living at this time? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you born in the Cherokee Nation? A Yes sir.
Mr. Smith: Who was your father? A James Landrum.
Q Where does he live? A Lives at Vinita.
Q Who is your mother? A Margaret Landrum.
Q How old are you? A 30.
Q How long have you lived at Vinita? A I have lived at Vinita for over five years.
Q Where were you living before you lived in Vinita? A On Grand River.
Q In what Nation? A Cherokee Nation.
Q How far from Vinita? A It is about 15 miles I guess, they call it.
Q How long have you lived on Grand River? A I lived there off and on all my life.
Q Where were you married? A I was married at Vinita..
Q When were you married? A About 5 years ago.
Q Have you any witnesses here that you wish to present? A Why Jack Landrum and Harry Still and this Polly Landrum my witnesses.
Q Do you know whether your father has been enrolled or not?
A Yes sir.
Q He was enrolled yesterday, was he? A Yes sir.
Commissioner: Your mother? A Yes sir, he enrolled her.

The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.

The 1896 Census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifotn roll examined, and the applicant, Frances Banks, identified thereon, page 153, No.3787, Cooweescoowee district, as Frances Landrum.

Frances Banks--8

Did you draw for these children? A. No sir, I didn't.

Commissioner: Frances Banks applies for the enrollment of herself and her ten children, Earl and McKinley. She avers that she is married now to one William Banks, and she is the daughter of James and Margaret Landrum. James Landrum and his wife Margaret Landrum are duly listed for enrollment as Cherokee Freedmen on a card 664. The testimony in the said case will be made part of the record in the case at bar, and a copy thereof will be filed. The said Frances Banks and her children Earl and McKinley will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to file satisfactory proof of the birth of her two children, their names not appearing upon the census roll. She has been duly identified upon the Dawes-Clifton roll, but cannot be identified upon the authenticated roll of 1896.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Sworn to and subscribed before me this the 21st day of June, 1901.

(Signed) T. B. NEEDLES,
Commissioner.

Josie Davies, having been first duly sworn, states: That as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy of the original transcript, and that the above and foregoing is true and complete.

Josie Davies

Subscribed and sworn to before me this March 6, 1905.

Myrow H. White
Notary Public.

File and Freedmen Bonds et al., T. P. D. 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 16th 1902.

Hearing in the matter of the application of Jim Landrum et al., T. P. D. 880.

Appearances:
James E. Davenport for the Cherokee Nation.
No.Lette & Smith for the applicant.

T. A. Griffith being first duly sworn before Com'r T. A. Needles testified as follows on the part of the Cherokee Nation.

( By Davenport )

Q What is your name? A G. W. Griffith.
Q Where do you live? A Vinita.
Q How old are you? A 29.
Q Where did you live before coming to Vinita? A Emporia, Kansas.
Q Did you ever live at Neosho Falls, Kansas? A Yes sir.
Q How long did you live there? A From '76 until '87.
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there.
Q Did he have a family there? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No sir.
Q Have you been his since he came to this country? A Yes sir.
Q Do you know where he lives now? A No sir I just seen him here in town.

( By Smith )

Q You dont know if the man you are talking about is the same man who is an applicant in this case or not? A Yes sir the same one that was pointed out to me.
Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith, I knew him when I was going to school there, I can't say when I first knew him.
Q How long did you live in Emporia? A From '87 or '8 when I first went up there un til '92 when I left.
Q Where did you first know this man you are talking about in Neosho Falls Kansas.
Q What year? A I knew him until I left there, I dont know when I first knew him.
Q Did you know him in Emporia? A No sir.
Q You say you left there about '87 or '8? A Yes sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.
Q And you cannot say when you first knew Landrum? A No sir.
Q Do you know his family? A Only the boy Ed.
Q Was he grown? A Yes sir.
Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Does you know in Lawrence's house there? A I have been by it.
Q You said you saw Jim Lawrence and there? A No sir.
Q How old did you say you were? A 20.
Q When after could you see Lawrence there at Neosho Falls? A Some times every day for a great many days and I got acquainted with him for a week or two.
Q Do you know if he lived at just one place or have two places?
Q He lived at more than one place in that time.
Q You don't know exactly how long you saw him? A No sir.
Q You don't know if his family was there? A No sir I don't know how many he had in his family.
Q You don't know anything about where he lived before he was there?
A No sir.
Q You don't know if he owned any property in the Cherokee Nation? A No sir.

ROSE CRAVENS, being first duly sworn by Capt. J. B. Moulton, testified as follows on the part of the Cherokee Nation:

( By Davenport )
Q What is your name? A Rosie Cravens.
Q Where do you live? A In Vinita.
Q How old are you? A 48 or 3.
Q Did you ever live in Kansas? A Yes sir.
Q Did you ever live in Neosho Falls? A 12 miles from there.
Q At what place? A Iola.
Q Did you get acquainted with a colored man named Jim Lawrence there in Kansas? A Yes sir.
Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knowed him.
Q Have you ever seen him since he left there? A Yes sir.
Q Where? A Here.
Q Vinita? A Yes sir.
Q Where is he living now? A North of here the other side of the mill.
Q How long has he lived there? A Between five and six years.
Q When did you see him in Kansas? A About '80.
Q Did he have a family? A Yes sir.
Q Do you know when he came there? A No sir,
( By Smith )
Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
Q Mostly off or on? A Oh every six months or so I would come here.
Q When did you first come? A I come right after the close of the war
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichataw and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though; I did stay a while in Coffeyville
Q Did you ever live in Geneva? A No sir.
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and fairs.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q You have been testifying in a great many freedman cases? A No sir I have only been here twice before.
Q You have been here more than that haven't you? A No sir this makes the third time.
Q The other day didn't you say—when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
Q Didn't I ask you then to state all the places in Kansas that you were familiar with? A No sir I dont think you did.
Q Didn't I ask you that and didn't you undertake to tell me all the

Dishee you had been in Kansas? A I named such places as you asked me about.
Q Didn't you understand he meant every place that you had been in Kansas? A No sir, only those that you asked me about.
Q Didn't you understand he meant all of those that you had been? A No sir, I wasn't asked that question. You asked me if I had been in such places, but you never asked me the such question.
Q You have been in the penitentiary haven't you? A Yes sir.
Q In Kansas? A Yes sir.
Q You pleaded guilty to whiskey selling in the Territory? A Yes sir but I never sold any.

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This will be filed in the original application, D-698 and also in D-698; D-700; D-701 and D-701.

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Chas. Von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

F12698

I, Margaret Gruninger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original typescript.

Margaret Gruninger

Subscribed and sworn to before me this 8th day of May, 1896.

[illegible]
Notary Public.

# CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

F15692

P. O. Box.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Jack Riley for enrollment as a freedman,

[illegible] is dead.

Applicant's representative by telegraph [illegible].
Nation's fellow representative [illegible] Davenport.

[illegible] LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: Q What is your name? A [illegible] Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas, Mr. Learned? A Ever since '57.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A By about '62.
Q What were the names of the Landrum that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there?? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '88.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q That makes you remember that Jack Landrum lived there until about '88? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place in this neighborhood? A Why, yes, sir, Jim Landrum moved to town.

Q Well where did Jack Landrum go? A Jack to point out, I don't know where he went. He came to some town, sir.

Q You mean the time you went to Kansas [illegible] in that year? A He went to Kansas [illegible]

Q Yes sir. A [illegible]

Q Well, now when did Jack get out in Kansas on your father's place with reference to the war, the war, whether it was before or after? A Well [illegible] after the war, [illegible] I recollect of them.

Q Well now then they lived on your father's farm until when? A Yes, sir, on there in '[illegible].

Q Jack or Jim moved away first? A Jack moved away first.

Q When do you think Jim left the farm? A Well I don't know as I could just say what it left. But he wasn't still there very long after that.

Q And Jim stayed there several years? A Yes sir.

Q How many children had Jim when he came on your father's farm? A Didn't have any just married.

Q Did you know what his oldest child's name was? A Yes sir.

Q What is it? A Sarah Ann Alice.

Q What was the next one? A Ed.

Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.

Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.

Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.

Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.

Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhere along there.

Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETTE: When did you say your people first moved up there? A '57.

Q You remember that do you? A I remember when I first moved there, yes, sir.

Q You was a year old at that time, wasn't you? A '57.

Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I - remember.

Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.

Q Huh? A '57. Well I knowed them in '59.

Q Well you swear you remember? A But I don't know as I remember.

Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

[illegible]

[illegible]

[illegible]

Q What was that meeting? A Some meeting.
Q Was that meeting? A That must have been held in Lamar, I guess.
Q Tell me you remember every body that you saw at the meeting that was 13 years old? A No, sir.
Q Why? A Don't know, sir, as I remember, if they didn't have lived on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim. Where were they in 1887? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in 1887? A No, sir.
Q Why where were they? A I couldn't tell you.
Q Don't know whether they were there or not, do you? A No, sir.

MR. RAYNINGS: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas)
Woodson County.) ss.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the March Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Danielle and Ben Landrum were witnesses in said case as the same appears of record in my office.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir, I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-803, D-664, D-698, D-700, D-701, D-703, D-1112, and in D-600, the case at bar.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

I, Margaret Gruteinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Gruteinger

Subscribed and sworn to before me this 8th day of May, 1899.

[illegible]
Notary Public.

[illegible] to be [illegible] the concerned by the special power [illegible] of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, [illegible] that under the rulings of the Commission, that upon the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Chickasaw Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The [illegible] roll of Mississippi Freedmen shall be made in strict accordance with the decree of the Court of Claims rendering [illegible] and as the Commission must [illegible] judicial [illegible] of the [illegible] roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time in the certified copies of the proceedings of the said Court to denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., May 20, 1901.

In the matter of the application of [illegible] for citizenship as a Cherokee freedman.

Applicant appears by Malcolm A. Smith, Cherokee Nation, by W. W. Hastings.

Mr. Smith:

The applicant moves the Commission to make its certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the Freedmen, vs The Cherokee Nation, No. [illegible], filed in the Marian Hayden case [illegible], a part of the record in this case and the cases hereinafter [illegible] by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frances Banks, [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be overruled and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

Cherokee Freedmen Docket
No. [illegible], [illegible], [illegible], [illegible], and [illegible].

MINUTES OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 2, 1908.

JIM LANDRUM, PROTESTANT, had in the matter of the application for the enrollment of JIM LANDRUM SR., ET AL., as Cherokee Freedmen.

It appears from the records of the Commission that on January 13, 1908, the applicants, their attorneys, and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 2, 1908, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Jim Landrum Sr., appears in person and by Attorneys, Kline & Dodger.
Cherokee Nation by its representatives, Ball, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E. B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A E. B. Moore.

Mr. Kline: The applicant objects to the introduction of the testimony of this witness because the protest and motion for re-opening does not contain his name or any statements to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:
Q What is your post office address? A Neosho Falls, Kansas.
Q What is your age? A My age is 57.
Q How long have you lived in or near Neosho Falls, Kansas? A I have lived near Neosho Falls, Kansas, every since the year, 1858.
Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yes sir
Q About what year did you get acquainted with James Landrum? A I got acquainted with him almost immediately after the close of the war.
Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.
Q Do you know whether or not he had a family at that time? A I think he hadn't at that time.
Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind a stepping with his folks there.

Q Do you remember their names? A Yes sir.
Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
Q Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Celia, I would not be positive about it.
Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him mingling around with that family and another family that lived on our place, their names were Learn or was also.
Q Do you know the old man of the family that lived on that place at that time? A I don't remember any old man Landrum, I remember the old lady.
Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Vart.
Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
Q On whose farm? A My brother's.
Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
Q Did you ever see his wife? A Yes sir.
Q Do you know what her name was? A I couldn't tell you her first name.
Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite awhile down on Mr. Learned's farm.
Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
Q About how often would you see Jim Landrum after he married?
A I don't know, I would see him like I would any other neighbor in the country, I might see him once a week and I might not perhaps see him for a month , but off and on.
Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family? A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, can't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used ti know one of his boys, I think about the second child perhaps, his name was Ed, if I haven't forgot it, I aint so very good on names.
Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
Q Have you seen him since that time? A Not until yesterday.
Q Where did you see him yesterday? A On the train as I come in.
Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
A Yes sir.
Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes sir.
Q While his family was living there, they kept house where they lived? A Yes sir, after they lived there some years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years, in a little shanty he called his own, I have been to his house.

Mr. Blue: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

Q For what purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening time and was talking about his family, he was playing a violin, it looked like there were 8 or 10 there.

Mr. Blue: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.

Q About how long do you think he lived in the town of Neosho Falls after he left the Leonard farm? A My judgment would be he lived there 10 or 12 years.

Q What is the population of Neosho Falls? A It is considered 800.

Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different

Q That is what I want to know? A That was in 1860, the town was just about as large as it is now, it was incorporated at that time.

BY MR. BLUE:

Q Do you know my old friend Governor Pinney? A Yes sir.

Q Have you resided there as long as he has? A I don't know when Governor Pinney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.

Q What place did you go to Kansas? A We first come on my brother's farm about a mile north of Neosho Falls, we rented and stopped there, my father took a claim afterwards.

Q From what place did you come to Kansas? A We came from Indiana.

Q You say you resided in Kansas since 1858? A Yes sir 1858 we came there.

Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I knew her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum she was the mother of July Landrum, who claimed to be ~~[illegible]~~ ~~[illegible]~~ cousin of Jim's.

Q How long had she lived there when you saw Jim about there?

A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.

Q What kind, Indians or freedmen? A Indians and negroes.

Q You didn't know Jim you say until possible in 1865, and you are certain you think you saw him in 1866? A Yes sir it was after the war.

Q Did you know whether or not he had just come out of the services at that time? A As I understood it he and his brother were in the service.
Q His brother-in-law Daniels? A Yes sir.
Q You understood they had been in the United States services?
A I understood so.
Q You say you were at his house once in Neosho Falls? A Yes sir.
Q Who was this man you say that he rented from? A He lived on Learned's place, that was three miles below me, I don't know whether he rented or worked by the month.
Q Do you know Colonel Leonard of Lawrence? A No sir.
Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked with anybody until I saw Mr. Keys, he came up there and asked in regard to him.
Q Judge Keys? A Yes sir.
Q When was that? A That was about three days ago I think.
Q At whose expense are you here? A Why his I presume.
Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoened.

Commission: Objection noted.
Q Have you been subpoened to come here? A Yes sir.
Q Have you been paid or expect any remuneration? A I expect my witness fees.
Q It has been a good while since 1865? A Yes sir.
Q 40 years about now? A Yes sir.
Q You say you saw Jim Landrum yesterday? A I saw him on the train.
Q Did you speak with him? A No sir I didn't see him until I got up to go out, about three seats behind me.
Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
Q That was yesterday's evening train? A Yes sir.
Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
Q You don't know as to the title to it? A No sir, I don't know as to the title.
Q You simply know that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
Q Can you tell me what year that was? That was in, he lived there several years, he must have lived 10 years before he came up there, I don't know as I can call the year at that especial---
Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890.
Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
Q How long? A Perhaps 4 or 5 months.
Q In what County is Neosho Falls? A In Woodson County.
Q Have you ever resided in any other County than Woodson County Kansas? A Yes sir.
Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Eureka, Greenwood County.

Q Did you keep hotel in all those places? A Yes in Cherryvale and Eureka, but in Galena I ran a restaurant there.
Q You said a moment ago Galena, Coffey County, you don't mean that sir? A No sir I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I know then I came to think of it.
Q You say at one time that Jim Landrum lived on your brother's place? A No sir I didn't say so.
Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father and his family lived on his place when he first came there.
Q You say when you first knew Jim he wasn't married? A No sir.
Q He didn't have any family or wife that you knew of at that time?
A No sir he was just visiting his relatives.
Q You said awhile ago he was mingling or visiting around there, how long did he continue to do that say? A I don't know anything much about him at that time.
Q At that time he didn't have any permanent place of abode? A No sir.
Q Did you know a man by the name of Asa Saferite? A Yes sir.
Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at LeRoy, and runed a mill in Coffey County.
Q Did he come over into Woodson? A Yes sir.
Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls.
Q Isn't it a fact that the old lady Landrum lived on his place?
A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
Q Did you know Dr. John Jones? A Yes sir I used to andknow him yet.
Q Does he live there yet? A No sir.
Q Where does he reside now? A He is in California somewhere.
Q As a matter of fact wasn't thislittle shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
Q You don't know about that? A I told you before I don't know about the title.
Q Do you know who the title was in? A I understood it was his.
Q Who? A Landrum's.
Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir I understood it was Landrum's.
Q Did you ever see the title to it? A No sir.
Q What is the personal knowledge that you are speaking from? A From general information as a man would naturally gather.
Q That is you saw it? A No sir I never examined the records.
Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

Q You had a conference with the Cherokee Attorneys have you? A Why only with Mr. Hoye.
Q After you came here? A Well I met them and were introduced to them.
Q You talked this matter over with them and other witnesses in the case? A I had some little conversation.
Q And Mr. Learned and other witnesses talked this matter over? A I don't remember the gentlemen's names, Mr. Hastings and Mr. Davenport.
Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
Q At the time you say you first saw Jim Landrum you were only a boy? A I didn't say I was only a boy, but I wasn't very old.
Q Not over 17 or 18? A About 16.
Q Were you married at that time? A No sir.
Q Have you since married? A Yes sir.
Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it I rent it out, I am a farmer, if anything.
Q What did you say this old lady Landrum's name was? A I understood it was Charity.
Q You say she had a son named what? A I understood those were her children, one named July and one Sam.
Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember searing him a goodmany times, and I have reason to remember him very distinctly.
Q Do you know whether that family of Landrums were any kin to Jim?
A All I know is that I understood they were related.
Q You don't know sir? A Don't know, I haven't looked up the family record.
Q How long did you remain in Woodson County after 1868? A That has been my home since I come to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893. I have been there.
Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
Q You mean that in Woodson County? A Yes sir, Neosho Falls, I have alwways been in touch, I always took the paper.
Q From 1893 until a year ago, you didn't reside in Woodson? A I didn't reside there.
Q Then you left in 1893 and lived at different places? A Now in the meantime during that speal I was back a year, I come back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
Q You went away in 1893 come back and stayed a year and then was away in 1901, and come back last year? A Yes sir.

BY MR. DAVENPORT:
Q Do you mean you went away in 1893? A I went to Cherryvale in 1893.
Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I got mixed up. I went away to Cherryvale in 1897, and I was away about three years and I was back then in 1901.

Q Then when you stated 1893 a moment ago you didn't mean it? A No sir, I meant 1887, I was away about six years all told.

BY MR. WEBB:

Q What hotel did you keep in Cherryvale? A I runed what was called the Logan house, near the Memphis Depot at that time.

Q What hotel did you run in Baxter? A What was called the Fourth Avenue, right north of the public square opposite the Court House.

Q Then you went from there to what place? A From there home, back to Neosho Falls.

Q Did you only run the two hotels? A I was at Galena awhile.

Q What restaurant did you run at Galena? A I runed the Silver Moon, I wasn't there very long, about four months I believe.

Q Do you say you were some place in Crawford County, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:

Q You say you first got acquainted with the applicant here, Jim Landrum, in the fall of 1866? A Then is when I knew of him, I stated I believe I might have known him in the fall of 1865, but to make positive I knew him in the fall of 1866 and 1867.

Q How far was he stopping from where you were staying? A As I said I hardly know where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.

Q How often did you see him from the fall of 1866 up during the winter of 1867? A I couldn't tell you how often.

Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.

Q When was he married? A I didn't state, I understood he was married about 1868.

Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.

Q You didn't know his wife prior to her marriage to him? A No sir

Q Have you known this applicant continuously here until he removed away some 7 or 8 years ago? A Yes sir.

Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.

Q You never heard of his coming away or moving off? A Nosir never did.

Q Did you know of his ever being considered a citizen up there?

A Yes sir he voted at Neosho Falls up there.

Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.

Q Did you ever talk with him anything relative to his being absent from the State of Kansas, ever hear him say anything about that?

A Never did.

BY MR. WEBB:

Q Were you at his wedding? A No sir.

Q Then you don't know anything about when he married only by hearsay? A As I said I understood he married about 1868.

Q That is heresay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

Q You don't know who he married? A Didn't know her no sir.
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers locations at different times.
Q You saw him deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the polls and we be-
Q You just said a moment ago you have seen him at divers time, now as a matter of fact, you never saw him deposit his vote?
A No sir I would not say that as I saw him hand his vote.

Mr. Blue: I object to this mere hersay testimony and ask to have it stricken out.

Commission: Objection noted.

Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he come to the Territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1896.
Q Do you know that personally? A That is I tell you I was away, I went away in 1897 and he went after I did.
Q Then you were not there when he left? A No sir I was there, he wasn't there when I come back.
Q That is about the information you have about it? A That is all the information I have got, as I have.

C. W. LEARNED, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A C. W. LHarned.

Mr. Blue: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the protest and motion for re-opening.

Q What is your age? A 49.
Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas? A Ever since 1857.
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him? A 1866 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first came there, he was just married.
Q Do you remember his wife's name? A Margaret.

Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 16 years I think.
Q Did they have any children? A Not when they first came.
Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir.
Q Do you know about how many? A No not that I know of so how many.
Q Name them as near as you can in rotation of their ages, the oldest ones first? A Her name is Alice, they called her Babe.
Q Do you remember the next oldest? A There is one named Ed a boy, nicknamed Frances, she was named after my mother.
Q You say Frances was named for yourmother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
Q What was you said about seeing them in the hall? A Yes sir, I saw them in the hall awhile ago.
Q They are present here today? A I saw three of them here awhile ago, Alice, Sis and Lit.
Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here (indicating the applicant, Jim Landrum).
Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir I think they were.
Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
Q Since you got acquainted with Jim Landrum and his wife in 1868 have you resided in or near Neosho Falls, Kansas? A All the time yes sir.
Q What business during that time have you been engaged in, if any?
A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
Q Did you see them after they moved to town? A Yes sir.
Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two different parts, in the north part awhile and then in the east part down at what is called Simmon Grove.

BY MR. BLUE:
Q You say you live in Neosho Falls? A Yes sir.
Q And have resided there how long? A Since 1887.
Q Were you there when President Hayes visited Neosho Falls?
A Yes sir.
Q Were you there when Governor St. John introduced him? A Yes sir.
Q Do you know my old friend, Governor Finney? A I guess so have known him ever since I have been there, I think I heard you speak at Yates Center.

Q You have testified to the matters here, were you present at the birth of any of these children? A No sir.
Q About what year was it when you first knew Jim Landrum? A About less.
Q You didn't know him prior to that time? A I couldn't say, no sir.
Q Was he a married man when you first became acquainted with him?
A Yes sir, he came to our house to work
Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
Q Did he live in a cabin or a little shanty on the land there?
A Yes sir.
Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A No sir, I went to school with some of them.
Q Did you have mixed schools up there in your district? A Yes sir.
Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
Q How old were you then? A About 12 years old.
Q You were a mere boy? A Yes sir.
Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
Q When did you say Jim left your father's place? A I said he was there about 18 years.
Q On your father's place? A Yes sir.
Q And then moved to town? A Yes sir.
Q Were you living in town when he moved to town? A I aint sure whether I was living in town or in the country then.
Q You say you are merchandising now? A Yes sir, I have been for about four years.
Q In Neosho Falls? A Yes sir.
Q Prior to that time you have been a farmer? A Farming and buying cattle.
Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1901.
Q Are you acquainted over at Yates Center? A Yes sir.
Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
Q Do you know Mr. Waymire over there? A Yes sir he is a druggist.
Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here? A When do you mean, this time.
Q Have you been here before? A Yes sir.
Q When were you in the Territory before? A I was down here in 1902.
Q For what purpose were you here then? A For the same purpose I am here for now.
Q To testify for the Cherokee Nation in these applications? A The same as I am now.
Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
Q How many cases have you testified to at different times on behalf of the Cherokee nation? A This is the second.
Q What were the other case? A The same thing.

Q Do you mean by that that this is the second time you have testified in this one case? A This Landrum case, yes.
Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
Q When was your attention first called to the testimony that you would give in the Landrum application? A I don't know when it was when Mr. Keys was there but sometime in 1902.
Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
Q Where was it, at Muskogee? A Here yes sir in Muskogee.
Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
Q Have you conversed with the Cherokee Attorneys since you came here this time? A No.
Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
A I think they were talking some in here, Keys talked to me up there.
Q Keys talked to you about the matter in Kansas? A Yes sir.
Q Did you have more than one conversation with him about it? A I think we talked several times about it.
Q Did you see him more than once up there? A I saw him twice, this time and the other time.
Q Then you saw him in 1902 and recently did you? A Yes sir.
Q Each of those times you talked the matter over with Judge Keys, did you? A Yes sir.
Q What compensation do you expect to receive as a witness in this case? A I suppose that isleft with them.
Q Have you been subpoened here as a witness? A Yes sir.
Q Do you expect any other compensation that you expect to receive for your mileage and your ttransportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:
Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:
Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neosho Falls at that time? A Yes sir out district school and city schools are all mixed.
Q You were going to the District school at that time? A Yes sir.
Q Do you recall any especial instance that you positively know that you met Jim Landrum? A Yes sir, on account of a man named Booth Hanks, that got into trouble.
Q Who was it that he got into trouble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
Q Who didhe have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
Q Do you know whether Jim was a witness in the case? A I do not.
Q Have you examined the Court record to know whether that was in 1868? A Yes sir.
Mr. Blue: I object, the record is the best evidence.
Commission: Objection noted.
Q Did you know him before that time? A I might have known him but I recollect that on account of that trouble.

BY MR. HILL:
Q Were you present when this conversation took place between he and Booth Hanks? A Yes sir I was present there with them.
Q Did a case of somebody getting into trouble about getting into the store, who was that? A That was Hanks.
Q Now was then with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.
Q Was Hanks a white or colored man? A A white man.
Q What year did you say that was? A In 1888 I believe.
Q Do you know what month in 1888? A I think it was the last of August or the middle of September.
Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?
A It wasn't very long, I don't know exactly.
Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.
Q Did Jack Landrum also live on your father's place? A It was my father's brother's place.
Q Well it wasn't your father's place? A Not where Jack lived.
Q How close was it to your father's place? A Joined the line.
Q What was going on over there amongst the colored folks? A They were having a meeting.
Q A religious meeting? A I think so.
Q And this man Booth tried to disturb it? A Yes sir.
Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.
Q Do you know whether there was a minister there or not? A No I don't.
Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.
Q They were having preaching over there at that time? A Yes sir.
Q Was there a meeting house there? A No sir, it was out in the woods.
Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.
Q Can't call the names of any of them? A No sir.
Q You don,t pretend to say Mr. Learned that Booth Hanks was arrested for disturbing their worship? A No sir.
Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.
Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A J. A. Lynn.
Q What is your post office? A Neosho Falls, Kansas.
Q Your age? A 54 last September.

Mr. Blue: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness on the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said notice and protest, and the applicant has had no notice of the presentation of this witness upon this application.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The nation expects to prove by a daughter of Abbie Bearden and by a number of other witnesses whose names are not now recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867, but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, put in force by the United States Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your motion.

Mr. Muse: The Attorney for the applicant objects further for the reason that the paragraph in said protest and notice is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

Commission: Objection noted.

Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.

Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.

Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.

Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.

Q How many years was it after the war or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him -----

Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.

Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.

Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.

Q Did he continue to live on the Learned farm all this time? A Yes sir.

Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't say just what year he moved away from there.

Q Can you say he lived there one year or six months after you got acquainted with him? A He lived there several years.

Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.

Q Do you remember the names of any of them? A I remember the names of three.

Q What were they? A Alice, commonly called Babe, Ed and Frances.
Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
Q When did you see him first since that? A Last night.
Q Have you seen him since last night? A Yes sir.
Q Where? A Here in the room.
Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognize since I have seen the children to know them, I was only better acquainted with Ed.
Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer, I lived on William's and he lived on Homer Learned's farm. He lived on the southwest bank of the lake and I lived on the north bank.
Q How often would you see them during the time you lived on the Learned farm? A I don,t know that is a hard question to tell how often I saw them.
Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
Q You think he moved away from Neosho Falls, Kansas, about what year or how long ago? A About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. KLUE:
Q What is your business? A Farmer.
Q You spoke of having taught school? A Yes sir, I taught school eight months one summer
Q You came you say to Woodson County in 1864? A Yes sir.
Q Have you resided there ever since? A Yes sir my home has been in that same school district ever since.
Q That same school District, do you mean by that the School District in which you taught? A No sir.
Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
Q What remuneration do you expect for testifying here, if any?
A Nothing more than my mileage and fees.
Q Who has talked with you with reference to Jim Landrum up there?
A Mr. Learned is the first one.
Q You and Mr. Learned talked it over some did you? A Yes sir.
Q Have you talked it over with Mr. Learned since you came here?
A Yes sir as we came down.
Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
Q You know Mr. Hastings, the gentleman there behind you? A Yes sir.

Q You know Mr. Bevington? A I met him here.
Q You know Judge Keys? A Yes sir.
Q He came up to your county? A Yes sir.
Q You know Judge Keys and Mr. Hastings? A Yes sir.
Q Was this matter ever suggested to you, to what you would testify in this case by Judge Keys? A He asked me about the case of course.
Q When was that, the first time? A Day before yesterday.
Q Did you ever see him before that time? A Not to my knowledge.
Q Then you talked the matter over with him up in Woodson County?
A Yes sir.
Q And you and Mr. Learned have conversed it over since that time?
A Yes sir.
Q You say you recognized Jim Landrum here this morning? A Yes sir.
Q He is the same man you think you saw up in Kansas? A Yes sir.
Q You say you didn't know much about his children, do you remember the name of his oldest? A I think it was Babe as far as I know or Alice.
Q You say you know Ed? A Yes sir.
Q Did you know any of the rest of them? A Just as a person would know his neighbor's children, Ed, I have worked with him.
Q Has it been sometime ago since you saw any of them? A Yes sir quite awhile, I think it has been 16 or 17 years since I saw him.
Q How old were you in 1864? A I was 14 years old, I was born in 1850.
Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer andpart of the next winter.
Q Then you knew Ed while you lived on that farm, I mean Jim? A Yes sir I knew him.
Q After he moved to town you didn't know so much about him? A But I saw him frequently.
Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
Q That is what I mean? A Yes sir.

BY THE COMMISSION:
Q Can you give the Commission an idea as to how long it was after you went to Kansas untiol you got acquainted with Jim Landrum?
A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
Q When did you go on the Learned farm? A I went on the Learned place in November of 1876, I was acquainted with him long before that but I couldn't say how long.
Q Several years? A Yes sir.
Q When did you teach school in Kansas? A I began in the winter of 1872.
Q Did you know him at that time? A Yes sir, knew him before that.
Q Where were you living in 1872? A My home was on the , right there on Section 27.
Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
Q You knew him continuously then up until he left Kansas? A Yes sir.

R. L. MOORE, being recalled for further cross examination, testified as follows:

BY MR. BLUE:
Q Mr. Moore have you ever testified in any other of these applications for enrollment in the Cherokee Nation? A No sir.
Q Is this your first testimony in any of them? A It is.
Q Have you ever been in the Territory before? A Yes sir, about five years ago.
Q Were in here before Mr for the Cherokee Nation? A No sir, I was really afraid to come down her, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)?
A I think that is part of Landrum's family.
Q Which one? A I never knew their names, don't suppose I would if they had lived in Neosho Falls up to now.
Q Would you swear that they are his family? A I don't know whether it is or not.
Q You don't know anything about that, only whether it is or not?
A I aint sure about these.

BY MR. HASTINGS:
Q You are ready to recognize Jim Landrum there? A Yes sir.

BY MR BLUE:
Q Do you know this young man here (indicating)? A I don't know as I do.

C H E R O K E E N A T I O N R E S T S.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows:
Witness being sworn by Wm. O. Reall, Notary Public.
BY THE COMMISSION:
Q What is your name? A Charles Lynch.

BY MR. HASTINGS:
Q Have you ever been convicted of anything? A- Yes sir.
Q What? A Railroad robery, Fort Smith, Arkansas.
Q Convicted in the United States Court there? A Yes sir.
Q When? A In 1887.
Q In 1887? A I think it was.
Q Were you convicted in Judge Parker's Court? A Yes sir.
Q Robbing a railroad? A Yes sir.
Q That is what you were convicted for? A Yes sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

Commission: Objection noted.

Mr. Kane: The record is the best evidence of the offense with which this party was charged, if charged, and of his conviction if there was any.

Mr. Hastings: In answer to the above answer of Attorney for applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness admits himself by his own mind that he was convicted, and it is the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if the rule that the record would have to be gotten in each case, then no witness would ever be disqualified from testifying, because it would be impossible for Attorneys representing law suits to go around all over the United States the record of the conviction of every person in their pocket ready to be drawn out on that party ready to take the stand.

Commission: Objection noted.

BY MR. KANE:

Q Were you pardoned? A No sir.
Q Do you know the applicant, Jim Landrum? A I do.
Q How long have you known him? A I have known him since '67.
Q Where did you first see him, do you recollect? A On Grand River.
Q In the Cherokee Nation? A Yes sir.
Q About where on Grand River, if you remember? A It was on the south side of Grand River in Saline District.
Q Was he married at that time, if you remember? A I don't really know whether he was or not.
Q Do you know his wife? A I do, yes sir.
Q Are you acquainted with his family? A Yes sir.
Q About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
Q Do you know the names of any of his children? A Yes sir I know the names.
Q You may give the names as far as you can call them? A The oldest one is Ed Landrum, Alice Landrum, Belle Landrum, and boy named Johnnie.
Q Do you recall any other? A There are quite a number of little ones, I disremember all their names.
Q Where has Jim Landrum and his family resided since you first became acquainted with him, if you know? A Part of the time when I first knew him on Grand River with his father, helped him make his place down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the next time I saw him his wife was with him, two or three of the children, and goes back again away from there, I don't know about 12 or 15 must have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he was back and forth he better known himself, I don't know.
Q Has he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

Q After he returned to Vinita as you stated, did he remain there continuously from that time until now? A Yes sir.
Q How about his wife and children, were they there also during that time? A Yes sir.

BY MR. DAVENPORT:
Q How old are you Charley? A 44 3rd day of last January.
Q You saw Jim Landrum you say in the Cherokee Nation in 1867?
A Yes sir.
Q How old were you then? A I was just a boy.
Q Well how old were you? A I was about 6 or 7 years old.
Q What makes you remember that it was in 1867? A Well what makes me remember was is at that day and time there wasn't very many people around there and when one came around there and was made acquainted he coming backwards and forwards a person would not forget them.
Q Had you known Jim Landrum before the war? A No sir.
Q Then you were not very well acquainted with him? A Not until he came there that time.
Q Did he stay at your house where you were living at that time?
A About a half mile from there.
Q You have never testified in this case before have you Charley?
A No sir.
Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1867? A I didn't say cause I don't know.
Q Who were you living with at that time? A My dada and mamma.
Q What was your father's name? A Simon Lynch.
Q And you remember at the age of about 7 years of seeing man who came to your father's house 37 years ago do you? A I suppose so if it was that number of years, he wan't counted it to see how long it is.
Q Jim Landrum has been living there in Vinita for a number of years?
A Yes sir.
Q And has been having this contest as to his citizenship? A What contest.
Q Ever since he has been in Vinita his citizenship has been pending?
A I don't know.
Q You have lived there near him ever since he came there in 1867?
A I don't know.
Q He wasn't living in Vinita when the Kern-Clifton roll was being made in 1896? A I don't know.
Q You were living there were you not? A Yes sir living there longer than that.
Q Don't you know he wasn't living in Vinita in 1895 and 1896? A I don't know anything about that.
Q Don't you know when the testimony in freedmen cases was taken, Jim Landrum wasn't there? A I don't know.
Q Can you tell me within three years of what time Jim Landrum moved from Neosho Falls, Kansas, to Vinita? A I don't know.
Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1867? A Yes sir.
Q Well who was it whose family wasn't living there that you say?
A That his family were not living there.
Q Yes, a man you came to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

Q Tell me another man who had no family that lived in that community who was helping his father making a farm in 1867? A I don't know.
Q Who was Jim Landrum's father? A George Landrum.
Q Was George Landrum living on Grand River in Saline District in 1867? A Yes sir.
Q What part of the year of 1867 was George Landrum living in Saline District on Grand River? A In the fall of '67.
Q It was in the fall of 1867 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you claim? A Yes sir.
Q How long had you been living there near where you saw him?
A 12th day of March, 1866, is when my father moved there.
Q Do you remember it? A I do.
Q You had been to Kansas to had you? A No sir.
Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1867? A No sir.
Q What do you mean by meair, whether he was or wasn't? A I am not positive of his being there but he hadn't make no farm before that.
Q Had you see him in the Cherokee Nation before the fall of 1867?
A No sir.
Q You say he went away from there and was gone how long? A I didn't say cause I don't know.
Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.
Q Didyou ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita? A No I never knowed them to move.
Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life.
Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.
Q When was that? A That was sometime after '67.
Q It was sometime between 1867 and February 2, 1905? A Yes sir.
Q Ed is not living in the Cherokee Nation now, is he Charley? A
A Not that I know of.
Q Did he ever live here? A Only as I saw him with his mother, when they cameover and stayed awhile.
Q When was the last time you ever saw him in the Cherokee Nation?
A It has been about a year I reckon.
Q How long in 1902 when he he came down here and made his application? A I saw him 9 or 1e months ago.
Q Are you any relation to Jim Landrum? A No sir.
Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.
Q You didn't come down here as a witness in this case? A Yes sir I did.
Q What did they know about what you were going to testify to?
A I never saw his Attorney.
Q Do you know anything about Jim Landrum and his family living at Neosho Falls, Kansas, for years? A I don't know anything about it, couldn't tell you.
Q When did you first see Alice up there? A Long time ago.
Q When did she first move to the Cherokee Nation to live? A I saw her when she was a minor with her father and mother.

Q Who else lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson.
Q Tell me one that is not dead, if you know, can you tell me one that is living now that lived over there then? A Yes sir.
Q Who is it? A Andy Frye.
Q Can you tell me a freedman or whitemen that lived in that country at that time, who is now living? A I tell you who lived over there, that Berge boy.
Q Did they have a name? A Gee and Cute.
Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along then times there wasn't any mail.
Q You mean there were no letters in 1867? A Not around us, no place to get any.
Q Didn't you have no place where you went to town? A Had a country store out there named it Johnson Thompson's.
Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I know of.
Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
Q Was Johnson Thompson living on Grand River where he afterwards or sometime after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
Q Would you not remember as much about a store being ran in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
Q Jim Landrum came to Vinita in what year Charley? A I couldn't tell you.
Q Do you know where he came from when he moved his family to Winita?
A No sir, I don't.
Q You hadn't seen him for years? A No sir several years.
Q And toyour knowledge he had never kept house in the Cherokee nation until he moved his family to the Cherokee nation? A Only with his father.
Q He wasn't keeping house with his father? A He stayed there off and on?. A
Q How much was he off and how much was he on? A I couldn't answer that question.
Q Did he make a crop with his father in 1867? A No sir.
Q Did your father make a crop in 1867? A Yes sir.
Q What farm did he live on at that time? A Same one he lives on today.
Q What wasit known then? A He made it.
Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY THE COMMISSION:
Q You say you were 44 years of age the second day of last January?
A Thats.
Q Then you were born in January, 1861?? A That is correct.
Q At the time that you saw this applicant you were six years of age? A About, yes sir.
Q And you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A I do.
Q Had you ever been to school before that time? A No sir.
Q Never had? A No sir.
Q He lived about a half mile, stopped there from where you lived?
A Yes sir.
Q And you a boy 6 years of age remember of seeing him? A I do.
Q How long do you think he remained in that neighborhood after you saw him in the fall of 1867? A The best of my memory he remained there the best part of the winter.
Q Then how many years elapsed before you saw him again? A Several years, I don't know.
Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
Q 7 or 8? A Something less than that.
Q 5 or 6? A I would not say positive.
Q Was it as much as 5 years? A No It wasn't as much as 5 years.
Q About three years? A Something like that.
Q Then is when he came back with his wife? A Yes sir.
Q How many children did he have? A He had three if I remember.
Q How large was the eldest one? A Just small children, they wasn't very big.
Q Was the eldest one 3 or 4 years old? A May have been I don't remember.
Q They had three children? A Yes sir.
Q They were not triplets, they were not all the same age? A No, no big and little and down to that Alice one.
Q Then when do you think you saw him again? A I didn't say, I don't know.
Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
Q When did you next see him? A I saw him down there
Q Came down there same place to that neighborhood? A Yes sir.
Q He never lived down in that neighborhood? A Not only for a time.
Q He was there for a short while or one months? A Yes sir.
Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew him keeping house with his family?
A Not outside of where I stated.
Q At Vinita? A Yessir.

CLORA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. BLUE:
Q What is your name? A Clora Foreman.
Q Where do you reside? A Vinita.
Q How long have you lived at Vinita? A I have lived at Vinita about 20 years.
Q Do you know Jim Landrum the applicant in this proceeding? A
A Yes sir.
Q How long have you known him? A Known him all my life.
Q What relation are you to him? A He is my brother.

Q Where were you about 1867? A Fort Gibson.
Q How long have you resided at Fort Gibson, or how long did you reside at Fort Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know. how many years I did live there.
Q When did you go to Vinita? A It has been about 20 years ago.
Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he come and stayed with me down to Fort Gibson.
Q Are you able to state about what time in the year 1867 you saw him at Fort Gibson? A It was in the spring, I couldn't tell just what day and what month bit I think it was along about July; him and my husband was making hay together.
Q What was your husband's name? A Euster Ferguson.
Q Where were they making hay together? A Near Fort Gibson out there for the Government I think as near as I can remember.
Q How long did Jim Landrum remain there about Fort Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4 months down there.
Q Do you know where he went to after that? A He left there, said he was going to Grand River.
Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
Q Do you know where his father resided at that time? A Yes sir.
Q About where was it? A It was at the Island Ford on Grand River.
Q Now after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
Q Are you able to state when you moved to Vinita? A Yes sir.
Q If you remember when you came to Vinita to live plea e state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down.
Q Have you been residing in Vinita ever since that? A Yes sir.
Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him every once in a while.
Q Can you give it any more definite than that once in a while?
A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
Q When he came down to Fort Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir he was married.
Q Was his wife along with him? A No sir.
Q Do you know his wife? A Yes sir I know her now.
Q Did you know her at that time? A No sir.

Q Do you know his family Mrs. Foreman? A Yes sir.
Q Do you know all their children? A I know them now, I didn't know them until I moved up to Vinita.
Q Are you able to give the names of all of them now? A There are so many I don't know whether I could or not.
Q Do you know them all when you see them? A Yes sir, I know all the oldest case names.
Q During the time, from the date of your location at Vinita until now have you known his wife? A Yes sir.
Q How often have you seen her since you went to Vinita until now?
A Right now I see her most every day cause we live close together, but before that I wouldn't see her only every once in a while, about a year during the time she had her children schooling them in Kansas, and she would only come back along about in the fall in vacation, she would come back down on the river.
Q How long, if you can recollect has Jim Landrum lived at Vinita?
A He hasn't lived there but about 5 or 6 years since he lived at Vinita since thepayment.
Q What payment do you refer to? A The strip payment.
Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
Q Do you remember whether or not he resided at Vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm out there close to my father's place.
Q Were you ever out at your father 's place on Grand River? A Yes sir.
Q There more than once? A Yes sir.
Q About how often did you go out to your father's place? A Not very often once in a while, about a year or two apart.
Q Did your father have that place on Grand River when Jim came down to Fort Gibson to help put up hay? A Yes sir.
Q Had you been there before that time? A No sir.
Q Were you there soon after that time? A Yes sir very soon.
Q Do you know whether or not that place is still maintained there? A Yes sir.

BY MR. DAVENPORT:
Q You say that Jim's wife had the children up in Kansas at school?
A Yes sir once I have been to Vinita she has.
Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
Q I will ask you if Ed Wasn't born in Kansas? A Yes sir.
Q If Frances wasn't born in Kansas? A I just tell you like I said
Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
Q Were they living in the Cherokee Nation when Hattie was born?
A I don't know whether they were or not.
Q Was Johnnie born in Kansas? A I don't know.
Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
Q At what place did he have all those children that I named living with him on Grand River? A At Uncle Jeff Lyons' his wife's father.

Q When was it he was living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Hattie, Belle, and Johnnie? A I don't know whether they were living there or not, they were out there, I couldn't say that they were living there.

Q You have told me that he at one time lived out there with these children, now I want to know what year that was if he lived out there with those children? A I couldn't tell you what year it was, but it was after the Wallace payment.

Q How long after the Wallace payment? A I don't know sir how long they lived out there.

Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.

Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir.

Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.

Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A Yes sir I was living there.

Q Don't you know he moved direct to Vinita from Neosho Falls?

A They were going to school up there.

Q The older children had gone to school quite a long time if they had gone to school all the time they stayed in Kansas did they not? A Yes sir I guess so.

Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.

Q Do you know anything about where they were living? A No sir.

Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.

Q Never did visit them while they were up there? A No sir.

Q They were not living in Vinita when you went to Vinita? A No sir.

Q They were not living on Grand River when you went to Vinita?

A No sir they were not there then, he was there but the family was up in Kansas.

Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.

Q Did you ever visit the family when they lived on Grand River before you moved to Vinita? A No sir.

Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.

Q That is heresay? A Yes sir.

BY MR. BLUE:

Q Were you present at the birth of any of the older children?

A No sir.

Q Did you visit hisp people while they were in Kansas sending the children to school? A No sir I never did visit them at all, until they lived at Vinita.

Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I don't.

BY MR. DAVENPORT:

Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Luster make that hay? A No sir I never knew of him.

Q He was your brother? A Yes sir.

Q They stayed in Kansas from about 1867 up until 1897 sending their children to school, is that a fact? A I don't know sir.

Q You spoke about them going up there to send them to school?

A Yes sir.

Q And the older children went to school about 30 years, is that a fact? A I couldn't tell you how long they went to school.

Q They were up there raising them to wasn't they? A I guess they were.

Q But when they went there there was a number of the children in existence were they? There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.

Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir I guess they had children.

Q Did Jim Landrum have any children by his wife living in 1867, when you say he came down there and helped Luster put up hay?

A Yes sir.

Q What was its name? A Ed and Alice.

Q He had two children then? A Yes sir.

Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.

Q How big were they in 1867? A I don't know.

Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir Alice was I know.

Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867? A I don't know.

Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.

Q You didn't see the children? A No sir I didn't see the children at all.

Q The children were not born before the war? A No sir.

Q They were not married before the war? A No sir.

Q The war closed in 1865 didn't it or do you remember what year?

A Yes sir.

Q Were they married before the war closed, Jim and his wife? A Yes sir they were married just after the war closed.

Q That would have been in 1865, don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn,t say they were sending them to school then

Q Didn't you tell me a moment ago that they went back there to send these children to school? A I said Jim said his wife was sending the children to school in Kansas.

Q She wasn't down here? A No sir.

Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.

Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.

Q And didn't you say they went back to Kansas to send his children to school? A Yes sir.

Q And you also said that Jim said his wife was up there educating his children? A Yes sir.

BY MR. FLUR:
Q Was Jim's wife with him when he came down there to put up hay?
A No sir.
Q When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's.
Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.
Q Do you know anything about their sending these children to school in Kansas yourself? A No sir.
Q All you know is what your brother Jim said? A Yes sir.
Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.
Q Do you know where he was married? A No sir I don't know myself.
Q You were not at his wedding? A No sir.
Q You don't know anything about that except what you heard? A No sir he was married after I left up there.
Q Left up where? A Kansas, he married at the Falls after I left.
Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.
Q You don't remember about when that was? A No sir I don't know what year it was.
Q Now what do you mean when peace was declared? A When they said we could go home, the war was over.
Q Do you know when the fighting ceased in the Nation? A Yes sir.
Q Do you remember what year it was? A In 1865 I suppose.
Q 1865 when they ceased fighting down here? A Yes sir.
Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.
Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.
Q And all you have said about the children going to school up there is what you heard? A Yes sir.

BY MR. DAVENPORT:
Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir I went there in time of the war.
Q Then you came back from Neosho falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:
Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.
Q You understood from him that his wife was up in Kansas?
A Yes sir
Q Did you understand from him at that time that he had some children? A Yes sir I believe he said he had two.
Q Did he name them? A Yes sir.
Q What did he say their names were? A Alice and Ed.

Q. Did they write to you while they were up in Kansas? A. No sir
Q. Did you know that writing was done?
Q. Did any you never went up to visit them? A. No sir

BY THE RIDER:
Q. Did you know about his being married to what he told you? A. Yes, sir that is all I know about it.

CASE CLOSED.

---

George H. Lesley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 9th day of February, 1906.

Charles H. Jameson
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the cases of ---

| | |
|---|---|
| Jim Landrum Sr. et al., | Cherokee Freedmen D-444. |
| Frances Banks, et al., | Cherokee Freedmen D-616. |
| Belle Landrum | Cherokee Freedmen D-700. |
| Alice Lynch, et al., | Cherokee Freedmen D-721. |
| Lizzie Allen, et al., | Cherokee Freedmen D-722. |
| Ed Landrum, | Cherokee Freedmen D-1112. |

# O R D E R.

On September 14, 1904, there was filed with this Commission, by the Cherokee Nation, a motion praying that the consolidated cases including the applications of Jim Landrum Sr., and others, and in which this Commission had, on August 29, 1904, rendered its decision herein enrolling said applicants as Cherokee Freedmen, be reopened, in order that said Nation might introduce newly discovered evidence tending to disprove the rights of said applicants to enrollment as Cherokee Freedmen.

After careful examination and consideration of the motion herein filed, and testimony heretofore taken in this case, said motion is granted, and it is ordered that the consolidated case including the applications of Jim Landrum Sr., and others, be, and the same is, hereby reopened for the purpose of permitting the Cherokee Nation to introduce newly discovered evidence tending to disprove said applicant's rights to enrollment as Cherokee Freedmen, and for the applicants to introduce in rebuttal such testimony as they may desire.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Chairman.

T. B. Needles

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 19 1904

E 3D698

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

[illegible]

Muskogee, Indian Territory, June 16th, 1911.

[illegible] transmission to the Five Civilized Tribes, one copy of the original testimony of June 11th, 1911, in the matter [illegible] of Frances Banks et al for enrollment as Freedmen of the Cherokee Nation.

[illegible]

Attorneys for Applicants.

Cherokee [illegible] 10690.

8

9 698

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

_____

by delivering a true copy thereof on the _____ day of _____ A. D. 190_

Given under my hand this _____ day of _____ A. D. 190_

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day _____ 190_

_____
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to _____

_____

on the _____ day of _____ A. D. 190_

_____

Subscribed and sworn to before me this _____

_____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

# NOTICE!

*IN THE MATTER OF* the application of Francis Banks for enrollment as Cherokee citizens.

Case No. D 698

To Frances Banks or Mellette & Smith her Atty's.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Williamsburg 28 9/mo 1698

Record of the commission & the Two collateral Papers in copy of the Admiralty in the Charter Ordinance & 1698 James Bandon

Benj. Berkeley
Dep. Gen. Auditor

COPY.

Cherokee Freedman
D-906.

Muskogee, Indian Territory, January 18, 1906.

Frances Banks,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor children as Cherokee Freedmen, you are advised that this case will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1906, at which time you will be permitted to appear and introduce any testimony that you may desire in support of your said application.

Respectfully,

Tams Bixby.
Chairman.

Register.

COPY.

Cherokee Freedman
D-664 et al.

Muskogee, Indian Territory, January 13, 1908.

Elmer A Bulger,

Attorneys for Jim Landrum Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of the following applicants, you are advised that these cases will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1908, at which time the applicants will be permitted to appear and introduce any testimony that they may desire in support of their said applications.

| | |
|---|---|
| Cherokee Freedman D-664 | Jim Landrum Sr., et al. |
| Cherokee Freedman D-696 | Frances Banks, et al. |
| Cherokee Freedman D-700 | Bells Landrum, et al. |
| Cherokee Freedman D-702 | Lissie Allen, et al. |

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

Refer in reply to the following:

Land,
Tribal Rolls
Secretary.

[illegible] OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
November 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley and Hortense Banks; by Bella Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 8, 1905, the Commissioner decided adversely to all the applicants.

The record shows that on August 29, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion; that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Jr., and Margaret Landrum, and except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Taylor Newman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

W.M.M. - WL.

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply by the Cherokee Nation to a motion for a rehearing in the Cherokee freedmen consolidated case of Jim Lanirum, et al, No. D 664, et al.

The records of this office fail to show that a motion for a rehearing in this case has been filed with it. The decision of the Commissioner to the Five Civilized Tribes dated September 8, 1906, rejecting the applications for the enrollment of the applicants embraced in said case, together with the record of proceedings had therein, was forwarded to the Department September 11, 1906, where the same is now pending.

The Department's attention is called to its letter of November 21, 1905 (I.T.D. 10987-1905), addressed to J. J. Bulger, Vinita, Indian Territory, a copy of which was furnished this office November 25, 1905.

Respectfully,

Encl.M.A.29-8.

Through the Commissioner of Indian Affairs.

Acting Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR, [illegible]

WASHINGTON.

I.T.D. 19668-1906.
19780-1906.
[illegible]
[illegible]
[illegible]

February 6, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On November 20, 1906 (Land 60973), the Indian Office transmitted your report dated September 11, 1906, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Martenas Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1906, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 26, 1906, the attorneys for the applicants filed a protest against your decision, requesting that it be rescinded and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landon, who was enrolled in Company H, First Kansas Colored Infantry, also known as Company K, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 24, 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landon was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Falls, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louise Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are nonciticens.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First-Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 12 to Ind. Of.

COPY

Tahlequah, Indian Territory, March 8, 1907.

Frances Banks,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting, among others, the application for the enrollment of yourself and minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED [illegible]

Commissioner.

JEH

Cherokee N.
B odd et al.

Muskogee, Indian Territory, March 4, 1907.

W. H. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. R-251
JMM

Commissioner.

Chickasaw 2.

Muskogee, Indian Territory, March 8, 1907.

Starr & Patton,

Attorneys for Jim Lemhron, Sr., et al.,

Vinita, Indian territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 6, 1906, rejecting the applications for the enrollment of Jim Lemhron, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.H-252
JMM

IN RE

Application for Enrollment of

INFANT CHILD

Leal Banks

as a citizen of

Cherokee Nation

Approved June 12 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
June 12 1901

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation,
of Earl Banke born on the 19 day of October, 1893
Father's name Will Banke, a citizen of the Nd. Nation
Mother's name Frances Banke, a citizen of the Cherokee Nation
Postoffice Vinita I.T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Frances Banke, on oath state that I am 30 years of age and a citizen by adoption of the Cherokee Nation, that I am the lawful wife of Will Banke, who is a citizen, by adoption of the Cherokee Nation, that a male (Male or Female) child was born to me on 19th day of October, 1893, that said child has been named Earl Banke, and is now living.

Frances Banke

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of June, 1901.

Louie T. Brown
Notary Public. (Seal)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Alice Lynch, a midwife, on oath state that I attended on Mrs. Frances Banke wife of Will Banke on the 19 day of October, 1893, that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Earl Banke

Alice Lynch

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of June, 1901.

Louie T. Brown (Seal)
Notary Public.

CAB 198

IN RE

Application for Enrollment of

INFANT CHILD

McKinley Banks

as a citizen of

Cherokee Nation

Approved Jan 12 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jan 12 - 1901.

CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation, of McRuby Banks born on the 27 day of October 1896.

Name of Father Will Banks, citizen of the U.S. Nation.

Name of Mother Frances Banks, citizen of the Cherokee Nation.

Post Office Vinita I.T.

## AFFIDAVIT OF MOTHER

UNITED ~~STATES OF AMERICA~~, INDIAN TERRITORY, Northern DISTRICT.

I, Frances Banks, on oath state that I am 30 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Will Banks who is a citizen, by ——— of the U. S. Nation; that a male child was born to me on 27 day of October, 1896; that said child has been named McRuby Banks and is now living.

Frances Banks

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown
Notary Public.
(Seal)

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED ~~STATES OF AMERICA~~, INDIAN TERRITORY, Northern DISTRICT.

I, Belle Landrum, a midwife, on oath state that I attended on Mrs. Frances Banks, wife of Will Banks on the 27 day of October, 1896, that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named McRuby Banks

Belle Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown
Notary Public.
(Seal)

148 695

IN RE

Application for Enrollment of

INFANT CHILD

Montrose Rosenke

as a citizen of

Cherokee Nation

Oct 30 1901

T B Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jan 12-1901

Chairman.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation, of Hortense Banks born on the 23 day of September 1901

Name of Father Will Banks, a citizen of the Nation, Nation

Name of Mother Frances Banks, a citizen of the Cherokee Nation

Post Office Gunter I.T.

## AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT

I, Frances Banks, on oath state that I am 30 years of age and a citizen by adoption of the Cherokee Nation, that I am the lawful wife of Will Banks who is a citizen, by ——, of the United States Nation, that a female child was born to me on 23 day of September, 1901, that said child has been named Hortense Banks, and is now living.

Frances Banks

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 day of Oct, 1901.

Louis T. Brown (Seal)
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT

I, Margaret Landrum, a midwife, on oath state that I attended on Mrs. Frances Banks, wife of Will Banks on the 23 day of September, 1901, that there was born to her on said date a female child; that said child is now living and is said to have been named Hortense Banks

Margaret Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 29 day of Oct, 1901.

Louis T. Brown
Notary Public.
(Seal)

DISPOSITION OF APPLICATION

# CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office [illegible]

District [illegible]

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife [illegible] Age [illegible]

Owner's name Citizenship

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children:

2. [illegible] Year Page No. Dist.

3. [illegible] Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer [illegible]

1 On R.C. roll as Frances Landrum
2 and 3 affs of birth required

X Ref. D 664

Represented by Mellette and Smith.

Doubtful

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Chec. Fr. R. 977

Trans. from Chec. Fr. D. 700

Chec. Fr. R. 977

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 10 1901

Vol. [illegible] Cherokee Freedmen, No.

Jim Landrum

Examination of the Applicant,
[illegible] as the Cherokee Freedmen Roll,
Chelsea, I.T., June [illegible] 1906.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen, said Landrum being sworn and examined upon oath, testified as follows:

Appearances:
Record, Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

Q Give me your full name? A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your Postoffice? A Vinita.
Q In what District do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for everybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children, but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And they are all living now? A Yes, sir.
Q ~~Marriage~~ Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir. I was in the army three years.
Q Since the Civil War closed? A Yes, sir, another late war.
Q Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought?
Q I stopped in Kansas when I was mustered in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A He died on Bubia Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother? A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years.
Q Are you a Cherokee Freedman? A Yes, sir.
Q What is the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A [illegible] sir? A Yes by M.

Q Where were you and she married? A We were married the first time, at the closing of the war.
Q Where were you married? A Married in Kansas.
Q To whom did she belong when the war broke out? A She belonged to a woman by the name of Elvira Wright.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A She was a daughter of Peter Martin, she lived down here on Grand River at the Grand Prairie place.
Q Have you ever married before you married this woman? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Give us the names of these five children? A Jacob Landrum.
Q How old is that child? A Twenty.
Q The next child? A John Landrum.
Q How old is he? A 18.
Q The third child? A Sis Landrum.
Q Sis, Jr. I don't know, you the old man? A Yes, sir.
Q How old is your boy Jim? A 15.
Q The next child? A Barbara.
Q How old is Barbara? A Ten.
Q The next child? A Nelson.
Q How old is Nelson? A Eight, will be in July.
Q Are you on the Dawes roll? A I ought to be.
The 1896 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.
The 1880 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Born-Citizen Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #3785, Jacob Landrum, Goweseeowee District.
Page 153, #3786, Barbara Landrum, Goweseeowee District.
Page 153, #3788, Sis Landrum, Goweseeowee District.
Page 153, #3791, Jacob Landrum, Goweseeowee District.
Page 153, #3792, James Landrum, Goweseeowee District.
Page 153, #3794, Nelson Landrum, Goweseeowee District.
Q How comes you didn't get money for Barbara? A I did get money for her.
Page 154, #3796, Emma Landrum, Goweseeowee District.
Q Did you ever call that child Emma? A Sometimes.
Q Well Emma is really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.
Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied, didn't you? A Yes, sir.
Q And what did they say to you, what did they do to you?
A Well, when they made that 80 roll my father told me to work on the place and he would put all of us children on.
Q Is your father himself on there? A Yes, sir, I think he is.
The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 445, #665, George Landrum, Saline District.
Q Caroline, who is that? A That's my stepmother.
Q Who is Samuel? A My brother.
Q Your full brother? A Yes, sir.
Q Who is Randolph? A That is my brother.
Q Full brother? A Yes, sir.
Q Sherman, is he your brother? A Yes, sir.
Q Full brother? A Full brother.
Q Now, you were in the army during the war? A Yes, sir.
Q Where were you discharged, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We were mustered out, it was in '66, and then I came home and looked my people up and found them and then during that Christmas after I was discharged I came on down to the Nation. I didn't stay

in Kansas very long.

Q You got married in Kansas? A No, sir, I didn't marry when I came down here.

Q You married in Kansas? A Yes, sir. I went back and married then.

Q What county was it you married in? A It was.

Q How long after you were mustered out? A The next spring.

Q You were married in 1866; married the next spring? A Yes sir.

Q You didn't mean '66 you meant '65? A Yes, somewhere along there I can't remember good.

Q You say you were a slave in '61? A Yes, sir.

Q Let us understand now just what you mean; you were mustered out in '65 at Leavenworth were you? A I don't know whether it was '65; I was mustered out the same time Allen Lynch was mustered out.

Q When were you mustered out? A First Kansas Colored.

Q What company were you in? A I was in Company H.

Q Well you were mustered out; what time of the year were you mustered out? A Along, it was getting late in the fall.

Q Well, how long after you were mustered out was it before you came South? A That same winter.

Q You came down you say to look up your people? A No, my people lived in Kansas, I came down here to locate a place.

Q Had you heard of the treaty when you came down? A Yes, that was the talk of the crowd I came with, all came together.

Q You heard of the treaty having been passed? A Yes, sir.

Q What time was it in the winter you came down? A Just a little before Christmas.

Q A little before Christmas? A Yes, sir.

Q Where did you go? A Come down here in the Nation.

Q Well, did you pick out a place? A We stopped at the place after I got down here.

Q Well, you hadn't married at that time? A No, sir.

Q Well, when did you go back to Kansas? A That spring.

Q And when did you marry? A That spring after I went home.

Q Married pretty soon after you got back there? A Yes, sir.

Q You say when you went home; you mean when you went to Kansas?

A Yes, sir.

Q How long did you stay in Kansas after you married?

A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.

Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.

Q Well, how long did you keep that up before you went back and got your wife? A Quite a while.

Q Well, two or three years, four years? A No, it would not be that long.

Q Well how long? A About a year.

Q And then you went back to Kansas and got your wife? A Yes sir.

Q And then you brought her down to the Nation? A Yes, sir.

Q Had you any children at the time you brought your wife down to the Nation? A No, sir.

Q You have some children that are old enough to apply for themselves? A Yes, sir.

Q Were any of them born in Kansas? A No, sir.

Q Were all of them born in the Cherokee Nation? A Yes, sir.

Q Well, when you brought your wife down that time did she continue to make her home here with you? A Yes, sir.

Q Had she made her home here ever since? A Yes, sir.

Q Well, when you came down from Kansas who came with you the first time you came? A Arch Lendrum.

Q Did any of your family come with you? A No, sir, I wasn't married then.

Q I am talking about your father and mother? A I came before my father did.

Q Well, how about your brothers? A I came before any of them did.

By Mr. Lawrence:

Q You were children born when the last roll was made, didn't you, sir? A I didn't get any [illegible]. I don't know when the last roll was made.

Q It didn't make anything to have whether you have got a child or more on it or not also? A I don't know.

Q Have you or any of your children that are over then 21 years of age?

A Yes, sir.

Q Where were you living when the last roll was made? A Living here on Grand river.

Q That place on Grand river? A Going from there.

Q At what place? A I had no post-office then.

Q Had no post-office on Grand river in 1880? A Not my post-office when I came.

Q I also asking you about when you came. I am asking you about 1880? A All the information I know of about is what my father's.

Q That was in 1880? A I don't know when it was.

Q Where was it you were living in 1880? A Down about ten yard.

Q Where did you live with them? A I lived with him, helped make that place.

Q You and your family lived there with your father in 1880?

A Yes, sir, part of the time.

Q Did you and your family live there with him in 1880? A Not much.

Q Did you live there family with him? A With him all the time.

Q Well how long did you live with him? A I don't know.

Q How long did you live in Kansas after you were married?

Q I didn't live there any time.

Q How long do you think your family stayed there? A I went and got my family, my wife.

Q Did you bring her home as quickly as you married? A Yes, sir.

Q Where was she living at the time you married? A At Tahlequah.

Q And you left immediately for the Territory? A Yes, sir.

Q Have you lived in Kansas since then? A Some.

Q About how long have you lived in Kansas? A Oh, I don't know, just a little bit, lived in Kansas and worked.

Q What place or places have you lived since you married in the State of Kansas? A I haven't lived really any in Kansas, I have lived most of the time on Grand river.

Q You say you have lived some in Kansas since; I want to know what places you have lived? A When I went back my folks lived there near Neosho, Kansas, my father did.

Q You have got people living at Neosho Falls now? A No, sir.

Q You are not kin to Bell Lenham? A No, sir.

Q Do you know what her husband is named? A Yes, sir.

Q What his name? A Jully Lenhram.

Q He is no relation of yours? A No, sir.

Q Neosho Falls is where he lives isn't it? A I don't know where he lives.

Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir.

Q Where have you lived? A Down here on Grand River.

Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's ferry.

Q Have you lived in any other place out of the Cherokee Nation?

A I lived at Gibson.

Q Gibson isn't in Arkansas? A No, sir.

Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Not that I can remember.

Q Did you apply to the Dawes Commission in 1896? A I don't remember.

Q You would remember it wouldn't you if you had of done so?

A I don't know whether I would or not.

Q You remember the happening of things very well don't you?

A Sometimes and sometimes don't.

Q What county in Kansas were you married; you said you were married at Tahlequah? (No answer)

Q. What county was it that? A. I don't know; it is in Cotton County, or Comanche County.
Q. What is the county seat? A. Purington.
Q. You were taken to the Cherokee Nation in what year did you say?
A. The winter I was captured out.
Q. In the winter were you captured out? A. That is what I don't remember.
Q. You don't know when it was you were captured out and don't know when it was you came back to the Cherokee Nation?
A. No, sir, it was in the spring I was captured out.

JOHN LAWRENCE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

By Mr. Smith, of Counsel, the applicant:

Q. What is your name? A. John Lawrence.
Q. How old are you? A. 50.
Q. Where do you live? A. On Lightning Creek.
Q. What is your occupation? A. Farmer.
Q. How long have you lived in the Cherokee Nation? A. All my life.
Q. Do you know this applicant, Jim Lawrence? A. Yes, sir.
Q. How long have you known him? A. I have known him ever since he was a child, baby.
Q. When did you first see Jim in the Cherokee Nation after the war?
A. I saw him in '66, on Grand River to his father's.
Q. Who was with him? A. Just himself.
Q. Who else? A. His father he was along there with his father.
Q. You did you see Jim then with whom you saw him? A. He was by himself, just himself.
Q. At what place was that? A. On the river, Grand river.
Q. Well, what part of Grand River? A. The Island Ford as they call it; Fan Yard Ford, along Island Ford.
Q. Did you know him before the war? A. Yes, sir.
Q. Was he a slave? A. Yes, sir.
Q. Who did he belong to? A. Master Lawrence.
Q. He was a Cherokee citizen? A. Yes, sir.
Q. Where did she live? A. She lived on Robin Creek.
Q. Where is Robin Creek? A. South of Kiowita.
Q. Where was Jim Lawrence when the war commenced? A. When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q. Do you know where he was during the war of your own knowledge?
A. During the war, he was a soldier during the war.
Q. And you first saw him back here in the Cherokee Nation at that time? A. It was here in '66, on the Grand River there at his daddy's.

By Mr. Dawson:

Q. What makes you remember it was in '66? A. Because I know it.
Q. Well what year was the Reliance roll made? A. I could not tell you.
Q. You were here then? A. Yes, sir.
Q. You attended to and was interested. A. Yes, sir.
Q. What year was the Reliance roll made? A. I don't know.
Q. You were here? A. Yes, sir.
Q. Yet don't know? A. I was here on the reservation.
Q. How do you know '66? A. I lived it.
Q. How do you know it? A. Everybody knows it.
Q. Some don't know it? A. I don't know.
Q. What time of the year was it? A. It was in the winter.
Q. Before or after the treaty was made? A. What treaty do you mean, treaty of '66?
Q. Yes. A. At the time the treaty was made.
Q. You saw him in the winter of '66? A. Yes, sir.
Q. His father was with him was he? A. Yes, sir.
Q. Did his father come back at the same time he did?

A Yes, sir, of course he did.
Q Then if he died he came before his father did he is mistaken isn't he? A He came before that time enlisted and remained he stayed with Arch Lankford and Louis Bove.
Q And the father didn't come with him at that time? A No, sir.
Q Yeah, do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place, do you know? A Place they called Leroy, just the other side of Leroy. I forget the name of the place but I know just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stopped up there a great while.
Q Has he been living near you ever since he came back? A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you: that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.
By Mr. Smith:
Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.
By Mr. Davenport:
Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember then? A No, sir.
By Mr. Smith:
Q Where were you when you first heard of this time that the negroes had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your name? A Harry Still.
Q How old are you? A 54.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880 on a straight card, sir.
Q Do you mean put on one by this Commission? A Yes, sir, at Vinita
By Mr. Smith:
Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 36 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war?
A It was up pretty near about the first of February when I saw him.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.

Q Now, about what time you think you saw Jim? A About last part of '66.

Q What did you mean by saying it was in February? A It was in the first part of '66.

Q Well was it in '66? A Yes, sir.

Q How long was it from Christmas? A Why it was about the last part of Christmas; just after Christmas; when I saw him at his father's.

Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66. It was after Christmas when I saw Jim of '66.

Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.

Q Where did you see him first? A At his father's on Grand river.

Q Had you seen him before that? A Yes, sir.

Q Where did you see him? A Saw him in the First Colored Regiment.

Q Where has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.

Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.

Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?

A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

By Mr. Davenport:

Q You saw him sometime after Christmas, '66? A Sometime.

Q You don't remember about how long after Christmas it was?

A No, sir, it was about the last par. of '66.

Q You thought when you first stated that it was in February, '66?

A I am not positive.

Q Was it about February after the Christmas of '66 or not?

A I am not positive.

Q You know anyway it was after Christmas? A It was about the last part of '66.

By Mr. Smith:

Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.

Q The third trip you made? A In the fall, along there, in October.

Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.

Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil War, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company H; 79th U.S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now

given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's marriage to ev. He is now 53 years of age, he thinks he is of that age. As for his wife, Margaret, who is said to be now 31 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the Civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of his five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 22d day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11th, 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A About 50.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.

Q Did you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll another minor child? A [illegible] my child.
Q How old is the child? A [illegible] years old.
Q How long have you lived in the Cherokee Nation? A [illegible] all my life.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out? A Yes, sir.
Q Did you belong to a Cherokee master when the war broke out? A Yes, sir.
Q Give me the name of your father? A [illegible]
Q Did you go out in the Cherokee Nation during the war? A No sir.
Q Have you been out since the war? A [illegible] the war.
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked about the [illegible].
Q Give me the name of your father? A [illegible]
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I don't know the exactly, long dead quite a while.
Q As much as 10 or 12 years? A [illegible] years or more as I can [illegible] it.
Q Give me your mother's name? A [illegible]
Q Is she dead? A Yes sir.
Q How long has she been dead? A I hadn't heard to guess.
Q Was your father a Cherokee freedman? A Yes sir.
Q Was your mother a Cherokee freedman? A Yes sir.
Q Where did your father [illegible] A [illegible] Cherokee Creek.
Q In what district? A [illegible]
Q How many times have you been married? A Once.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Fitzpatrick.
Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.
Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living yet? A Yes sir.
Applicant sworn on the 1896 as 1896 roll.
Based upon roll examined and evidence found as follows:
page [illegible] roll Daniels, [illegible]
page [illegible] roll Daniels, [illegible]
Q How long is that you [illegible] A [illegible] I don't [illegible] I hadn't [illegible]
Q Where did you [illegible] A [illegible]
Q With what? A [illegible]
Q Did you [illegible] A [illegible]
Q Did you [illegible]
Q When did [illegible]
Q At what point? A [illegible] I don't know the dates.
Q Did your husband come back with you? A No sir.
Q When did he come? A He died in [illegible] and he [illegible] and by shield and worked a while and he [illegible] died.
Q Did you have any children at that time? A No sir.
The authenticated roll of 1896 examined and the name of [illegible]

applicant's father identified on the same as follows.
Page 643, No. 641, George Landrum, Saline District.
The 1880 roll examined for a name which the applicant mentioned and same is found as follows:
Page 641, No. 641, Simon Lynch, Saline District.
Q How long after you got your father's name branded came? A In the spring.
Q How long after you got here before he came? A I guess it was a year.
Q You came the spring and he came the next spring? A Yes sir.
Q Where is Simon Lynch? A I guess he is at home.
Q How far does he live from here? A I don't know.
Q Is there anyone here who knows of your having been married?
A Yes, sir.

JAMES LANDRUM, called and sworn as a witness for the applicant, testified as follows:
(By Com'r Brookbriage)
Q What is your name? A James Landrum.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life off and on.
Q Were you out during the war? A Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir
Q Do you know this applicant here? A Yes, sir.
Q What kin is she to you? A My sister.
Q Are you a son of George and Cassie Landrum? A I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then?
A No, sir, half brother to her, my mother was Peggy and her mother was Cassie.
Q Was your father married to Peggy before he married Cassie?
A Yes, sir.
Q When did he marry Cassie, was it in slavery days? A Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both of his wives slaves? A Yes sir.
Q Did he pretend to live with both of them at the same time?
A Yes sir.
Q ~~Kinnie sixxx~~ Was that sort of thing permitted in that day? A Yes sir that was the go in those days, nigger babies is what was wanted.
Q Do you remember when George Landrum came back to the Cherokee Nation.
Q Who was with him? A No sir, I come first before he did.
Q Were you here at the time he came? A Yes sir.
Q You went back to Kansas for your family didn't you? A Yes sir.
Q Were you here when your father came, or were you back for your family? A He came when I went back to Kansas.
Q You didn't see him when he got here? A No sir, I saw him when he started from there.
Q Was your sister with him? A Yes sir.
Q When you got back did you see him? A Yes sir.
Q Was that sister with him? A Yes sir.
Q How long after you saw them in Kansas did you see them here? A It was before I got back here.
Q You saw them leave Kansas? A Yes sir.
Q How long after that did you next see them in the Cherokee Nation? A In the next fall following.
Q What time of the year did you see them leave Kansas? A It was in '65 I think it was.
Q What time of the year? A In March.
Q Of '65 and '66? A March of '65.
Q That you saw them leaving Kansas? A I think it was.
Q Was the war over then? A Yes sir, just right at the close of

the war?

Q Is your name on the roll of 1896? A I don't think it is.

Q Was your father's name on the dawes roll? A Yes sir.

Q You stated to them, you was told at the time you enrolled? A Yes sir.

Q Don't you remember? A Yes sir, I remember.

Q Subsequent conversation with your father when they came back? A No sir

Q Did you ever? A At school.

Q What's she like with your father after the war? A No sir

Q Did she go out during the war? A Yes sir.

Q Did you the same and went by going the war, Landrum? A Yes sir.

Q Didn't she marry another man and take his name? A No sir.

Q How long do you think Dennis Landrum has been dead? A She has been dead 15 or 16 years.

Q Did she continue to live in the Cherokee Nation after the war?

A Yes sir.

Q Where has this 1/8 sister of yours lived since the war? A She has lived principally a very few years here and in Siloam Springs's settlement and in Arch Lawrence's settlement.

Q Has she not lived outside of the Cherokee Nation since the war?

A Most all the time.

Q Is you sure to say she has lived in the Cherokee Nation most of the time since the war? A No sir.

Q What do you mean to say then? A That she has lived right there my father first brought her most of the time since the war.

Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A Yes sir.

Q You are positive that she has made her home here all the time since the war? A Yes sir.

(By the examiner of the applicant.)

Q You don't remember that you had made your home here all the time when the war did you? A I worked out some.

Q Where have you been out at work? A At Neosho Falls some times.

Q Any other place? A Chetopa.

Q Anything else? A No sir.

Q How much work have you done at Neosho Falls? A Sometimes six months maybe seven, then I would make a trip back here.

Q Did you take your family with you? A Yes sir I would take the baby there sometimes.

Q How about Chetopa? A Yes sir the same way.

Q Have you spent as much as half your time in Kansas? A No sir, would come back and stay as much as I got 4 months at a time and then light out again, sometimes here and sometimes there.

Q When did your last husband die? A 2 years ago.

Q Where did you marry him? A Neosho Falls.

Q Where did you marry your first husband? A On the river where I live now.

(By examiner of witness, James Landrum).

Q What was the name of your sister's first husband? A Tom Daniels.

Q When did she marry him? A Long before the war.

Q How long has he been dead? A Been dead about 15 years.

Q Did she live with him until he died? A Yes, sir.

Q What was the name of her second husband? A Jerry Kirkpatrick.

Q How long has he been dead? A About 4 years I think.

Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.

Q Did she marry him after Tom Daniels died? A Yes sir.

Q Has she ever been married except these two times? A No sir.

Q Did she live with Kirkpatrick until he died? A Yes sir.

Q Do you know that your sister has been in the habit of going to Neosho Falls and Chetopa and working there? A No sir.

Q You don't know anything about it? A No sir.

Q. Her testimony shows that she lived in Muskogee at the time and yet possibly you have had the run of her city at the time and don't know anything about it? A. (No reply.)

By Mr. Buckingham.-

The testimony of the applicant and of the witness James Lankford down to this point will be filed in the case of the said James Lankford, so it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. The application of Charles Freeman Dowdell.

I, Chas. Wm Faile, upon my oath, state that the above is a true and complete copy of that much of the original testimony as has been produced filed in Cherokee Freedom Doubtful case #221.

Signed, Chas. Wm Faile.

Subscribed and sworn to before me this the 8th of July, 1901.

Signed, M. J. Green,

(Seal) Notary Public.

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Bruce G. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce G. Jones

Sworn to and subscribed before me, this the 16th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 11, 1901.

In the matter of the application of Belle Landrum for the enrollment of herself and one child as Cherokee Freedmen.

Belle Landrum, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Belle Landrum.
Q How old are you? A 34.
Q What is your post office address? A Vinita.
Q What district do you live in? A I don't know.
Q Who do you want to enroll besides yourself? A My little girl.
Q What is your child's name? A Velma Vesson.
Q Are you married? A No, sir.
Q Never been married? A No, sir.
Q How old is Velma.
Q What is your father's name? A James Landrum.
Q What is your mother's name? A Margaret Landrum.
Q Is your name on the roll of 1880? A I don't know, I don't think it is.
Q Is it on any of the rolls of the Cherokee Nation? A I didn't draw the strip money, my name was dropped.
Q You have never drawn any money then? A No, sir.
Q Where were you born? A On Grand River.
Q Where is Grand River, Kansas or New York? A It is in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A All my life
Q Live there now? A Yes, sir.
Q This child Velma living now? A Yes, sir.
Mr. Davenport, Cherokee representative: You say you were born in the Cherokee Nation? A Yes, sir.
Q Did you ever live in Humboldt, Kansas? A No, sir.
Q Ever live at Neosho Falls, Kansas? A No, sir.
Q You have some relatives living at Neosho Falls now? A No, sir, all my folks are living in the Cherokee Nation.
Q You are not related to July Landrum living at Neosho Falls? A If I am it is so far back I don't know what it is.
Commissioner: Do you want this child enrolled as Velma Landrum?
A You can enroll it as Velma Landrum.

The applicant is not identified upon any rolls of the Cherokee Nation now in the possession of the Commission.

Commissioner: Belle Landrum applies for the enrollment of herself and her child, Velma. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, or the Kern-Clifton or the Wallace roll. She avers that she was born and raised in the Cherokee Nation. She has one child, Velma, now two years of age. She avers that she is the child of James and Margaret Landrum, and the said James Landrum and his wife Margaret have been listed for enrollment as Cherokee Freedmen on D card 664. The testimony taken in said case will be made part of the testimony in the case at bar, and a copy filed herewith. The said applicant and her child, Velma, will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to file satisfactory proof of the birth of said Velma, she having been born after the rolls were compiled, and not appearing upon any roll. Applicant will be notified by mail of the decision of the Commission when arrives at.

***********

[illegible]

[illegible]

[illegible]

File vs. Jim Landrum, et al. C.N.D. [illegible]

Testimony of the Intervenor,
Composition to have five Cherokee Freedmen,
Vinita, I. T. October [illegible] 1902.

[illegible] TESTIMONY in the matter of the application of Jim Landrum et al. C. N. D. [illegible]

Appearances:
James E. Davenport for the Cherokee Nation,
Scitette & Hill for the Applicant.

C. R. GRIFFITH being first duly sworn before Dan'l B. Hendlee testified as follows on the part of the Intervenor Nation.

( By Davenport )
Q What is your name? A C. R. Griffith.
Q Where do you live? A Vinita.
Q How old are you? A 28.
Q Where did you live before coming to Vinita? A Emporia, Kansas.
Q Did you ever live at Neosho Falls, Kansas? A Yes sir.
Q How long did you live there? A From '76 until '87.
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there.
Q Did he have a family there? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No sir.
Q Have you seen him since he came to this country? A Yes sir.
Q Do you know where he lives now? A No sir I just seen him here in town.

( By Smith )
Q You dont know if the man you are talking about is the same man who is an applicant in this case or not? A Yes sir the same one that was pointed out to me.
Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith. I knew him when I was going to school there, I can't say when I first knew him.
Q How long did you live in Emporia? A From '87 or '8 when I first went up there un til '92 when I left.
Q Where did you first know this man you are talking about in Neosho Falls Kansas.
Q What year? A I knew him until I left there, I dont know when I first knew him.
Q Did you know him in Emporia? A No sir.
Q You say you left there about '87 or '8? A Yes sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.
Q And you cannot say when you first knew Landrum? A No sir.
Q Do you know his family? A Only the boy Ed.
Q Was he grown? A Yes sir.
Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Have you been in Indian Territory since Cherokee Strip? A I have been [illegible].
Q You also [illegible] Indian Territory [illegible]? A No sir.
Q How old did you say [illegible]? A [illegible].
Q How often would you [illegible] Where he lived? A [illegible] [illegible] every [illegible] for a [illegible] [illegible] and then [illegible] [illegible] [illegible] a week or two.
Q Do you know if he lived at [illegible] other places [illegible] [illegible]?
A [illegible] at [illegible] in one place in Iola [illegible].
Q You did have really [illegible] there? A No sir.
Q Was that [illegible] the family [illegible] there? A No sir I don't know how many [illegible] in [illegible] family.
Q You had your [illegible] about where he lived before he came there?
A No sir.
Q You don't know if he owned [illegible] in the Cherokee Nation? A No sir.

[illegible] being first duly sworn by [illegible] A. B. Meadlen, interrogated on behalf of the Cherokee Nation:
( By Drummond )
Q What is your name? A Rosie Graham.
Q Where do you live? A In Vinita.
Q How old are you? A 42 or 3.
Q Did you ever live in Kansas? A Yes sir.
Q Did you ever live in Neosho Falls? A I fell from there.
Q At what place? A Iola.
Q Did you get acquainted with a colored man named Jim Landrum there in Kansas? A Yes sir.
Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knowed him.
Q Have you ever seen him since he left there? A Yes sir.
Q Where? A Here.
Q Vinita? A Yes sir.
Q Where is he living now? A North of here the other side of the mill.
Q How long has he lived there? A Between five and six years.
Q When did you see him in Kansas? A About 1901.
Q Did he have a family? A Yes sir.
Q Do you know when he came there? A No sir.
( By Smith )
Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
Q Mostly off or on? A On every six months or so I would come here.
Q When did you first come? A I came right after the close of the war.
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichita and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though. I did stay a while in Coffeyville.
Q Did you ever live in Geneva? A No sir.
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and fairs.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q You have been testifying in a great many [illegible] cases? A No sir I have only been here twice before.
Q You have been here more than that recently [illegible]? A No sir this makes the first time.
Q The other day when you testified you were testifying one other day you didn't say anything about Neosho Falls did you? A No sir I had never [illegible].
Q Didn't I ask you the [illegible] and the places in Kansas that you were familiar with? A No sir I don't think [illegible].
Q Didn't I ask you that and didn't you [illegible] to tell, a sir you

Q Please you had been in Kansas? A I served such orders in the manner as you have my book.

Q Didn't you understand it was story about that you had been in Kansas? A No sir, only I have been you asked me about.

Q Didn't you understand as name all of what that you had been? A No sir, I didn't understand that question, you asked me if I had been in some place, but you never asked me all such question.

Q You have been in the Penitentiary because four? A Yes Sir.

Q In Kansas? A Yes sir.

Q You pleaded guilty to whiskey selling in the territory? A Yes sir but I never sold any.

* * * * * *

This will be filed in the original collection, D-698 and also in D-698; D-700; D-701 and D-701.

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Then, you being, being first duly sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Olesson Wilson

Subscribed and sworn to before me this the 26th of October, 1921.

Commissioner.

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F. S. ONE.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 2, 1906.

In the matter of the application of John Riley for enrollment as a Delaware Freedman.

SUPPLEMENTAL TO 3-601.

Applicants represented by Velotte A. Smith.
Cherokee Nation represented by J. H. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr, Learned?
A Ever since '57.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A By about '68.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there?? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q That makes you remember that Jack Landrum lived there until about '88? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of [illegible] Landrum families moved to when they left your father's place in that neighborhood? A Why, yes, sir, Jim Landrum moved to [illegible].

Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I [illegible] he was here [illegible] here.

Q Now from the time you went to Neosho Falls—[illegible] year? A We went to Neosho Falls [illegible]

Q Yes sir. A Came there in '57.

Q Well, now when did Jim Landrum move on your father's place with reference to the death of the war, whether it was before or after? A Well [illegible] was after the war, [illegible] I recollect of them.

Q Well now then they lived on your father's farm, tell about them?

A Yes, sir, on there in '59.

Q Jack or Jim moved away first? A Jack moved away first.

Q Then do you think how he left [illegible] them? A Well I don't know as I could just say where he left. But he didn't stay there very long after that.

Q And Jim stayed there several years? A Yes sir.

Q How many children had Jim when he came on your father's farm?

A Didn't have any just married.

Q Did you know what his oldest child's name was? A Yes sir.

Q What is it? A Called her Alice.

Q What was the next one? A Ed.

Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.

Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.

Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.

Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.

Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhereas along there.

Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETTE: When did you say your people first moved up there? A '57.

Q You remember that do you? A I remember when I first moved there, yes, sir.

Q You was a year old at that time, wasn't you? A '57.

Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I [illegible] remember.

Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.

Q Huh? A '57. Well I knowed them in '59.

Q Well you swear you remember? A But I don't know as I remember.

Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

Q Didn't you just swear—I ask you in the presence of all these witnesses—swear that you remembered what your people notes there in '68, now answer whether you said that or not? A I don't think I did.
Q You swear that I do you read the record.
(Record read).
Q Now don't you think that's rather wild swearing?
Mr. DAVENPORT: I object to that question.
MR. MELLETTE: Don't you think that's rather wild swearing?
COMMISSION: Answer the question, Mr. Learned.
A Swearing what I knew when I moved there in '57?
MR. MELLETTE: Yes, sir. A No, I don't recollect when I moved there in '57.
Q What made you swear it then? A Don't know as I understood the question.
Q Well I asked the question straight out; how old were you in '68? A About 11.
Q About eleven years old, and you remember the dates this length of time and exactly when those people left there, and every thing of that sort, do you? A I remember because of the incident I told.
Q What incident? A The man getting in trouble and being arrested.
Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.
Q You were eleven years old at that time wasn't you? A Yes, sir.
Q And you remember all about that? A Well, I don't remember all about it.
Q Were you at the trial? A No, sir.
Q How do you know who were the witnesses then? A Jim told me.
Q You're testifying to what people told you, are you? A I wasn't at the trial.
Q You don't know who were the witnesses, do you? A Jim said—
Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.
Q You don't know who were the witnesses? A Only what they said.
Q Do you remember when Jack Landrum left that country? A No, sir. I do not.
Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.
Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—
MR. DAVENPORT: I object to that because that's not evidence of where he was.
MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—
MR. DAVENPORT: That's no evidence where he was in '68.
COMMISSION: 1880 roll page 181, No. 1681, John Landrum, Cooweescoowee District, Adopted Colored.
MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.
Q You wasn't at the trial? A Well, I might have been talking about it.
Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q That meeting? A Dance meeting.
Q When was that meeting? A That must have been [illegible] say, I guess.
Q Well do you remember every body that was on the place when you was 11 years old? A Yes, sir.
Q Who? A Don't know, sir, as I remember, if they hadn't been living on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim; where were they in '66? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '66? A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not, do you? A No, sir.

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas )
Woodson County. )SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the Octob Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-903, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

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I, Margaret Crutsinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me this 8th day of May, 1902.

Notary Public.

FILED
FEB - 9 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D-444
444, 445, 446, 447, and 1119.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JIM LANDRUM SR., ET AL., as Cherokee freedmen.

It appears from the records of the Commission that on January 13, 1906, the applicants, their attorneys, and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 8, 1906, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Jim Landrum Sr., appears in person and by Attorneys, Blue & Bulger.
Cherokee Nation by its representatives, Bell, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E. B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A E. B. Moore.

Mr. Blue: The applicant objects to the introduction of the testimony of this witness because the protest and motion for re-opening does not contain his name or any statements to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:
Q What is your post office address? A Neosho Falls, Kansas.
Q What is your age? A My age is 57.
Q How long have you lived in or near Neosho Falls, Kansas? A I have lived near Neosho Falls, Kansas, every since the year 1858.
Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yes sir
Q About what year did you get acquainted with James Landrum? A I get acquainted with him almost immediately after the close of the war.
Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.
Q Do you know whether or not he had a family at that time? A I think he hadn't at that time.
Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind a stopping with his folks there.

Q Do you remember their names? A Yes sir.
Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
Q Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Celia, I would not be positive about it.
Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him singling around with that family and another family that lived on our place, their names were Landrums also.
Q Do you know the old man of the family that lived on that place at that time? A I don't remember my old man Landrum, I remember the old lady.
Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Tart.
Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
Q On whose farm? A My brother's.
Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
Q Did you ever see his wife? A Yes sir.
Q Do you know what her name was? A I couldn't tell you her first name.
Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite awhile down on Mr. Learned's farm.
Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
Q About how often would you see Jim Landrum after he married?
A I don't know, I would see him like I would any other neighbor in the country, I might see him once a week and I might not perhaps see him for a month , but off and on.
Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family? A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, can't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used ti know one of his boys, I think about the second child perhaps, his name was Ed, if I haven't forgot it, I aint so very good on names.
Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
Q Have you seen him since that time? A Not until yesterday.
Q Where did you see him yesterday? A On the train as I come in.
Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
A Yes sir.
Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes sir.
Q While his family was living there, they kept house where they lived? A Yes sir, after they lived there one years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years in a little shanty he called his own, I have been to his house.

Mr. Blue: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

Q For what purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening like and was talking about his family, he was playing a violin, it looked like there were 8 or 10 there.

Mr. Blue: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.

Q About how long do you think he lived in the town of Neosho Falls after he left the Leamned farm? A My judgment would be he lived there 10 or 12 years.

Q What is the population of Neosho Falls? A It is estimated 800.

Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different

Q That is what I want to know? A That was in 1880, the town was just about as large as it is now, it was incorporated at that time.

BY MR. BLUE:

Q Do you know my old friend Governor Pinney? A Yes sir.

Q Have you resided there as long as he has? A I don't know when Governor Pinney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.

Q What place did you go to Kansas? A We first come on my brother's farm about a mile north of Neosho Falls, we rented and stepped there, my father took a claim afterwards.

Q From what place did you come to Kansas? A We came from Indiana.

Q You say you resided in Kansas since 1856? A Yes sir 1856 we came there.

Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I knew her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum she was the mother of July Landrum, who claimed to be ~~[illegible]~~ ~~[illegible]~~ cousin of Jim's.

Q How long had she lived there when you saw Jim about there?

A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.

Q What kind, Indians or freedmen? A Indians and negroes.

Q You didn't know Jim you say until possible in 1865, and you are certain you think you saw him in 1866? A Yes sir it was after the war.

Q Do you know whether or not he had just come out of the services at that time? A As I understood it he and his brother were in the service.
Q His brother-in-law Daniels? A Yes sir.
Q You understood they had been in the United States services?
A I understood so.
Q You say you were at his house once in Neosho Falls? A Yes sir.
Q Who was this man you say that he rented from? A He lived on Learned's place, that was three miles below me, I don't know whether he rented or worked by the month.
Q Do you know Colonel Leonard of Lawrence? A No sir.
Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked with anybody until I saw Mr. Keys, he came up there and asked in regard to him.
Q Judge Keys? A Yes sir.
Q When was that? A That was about three days ago I think.
Q At whose expense are you here? A Why his I presume.
Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoened.

Commission: Objection noted.
Q Have you been subpoened to come here? A Yes sir.
Q Have you been paid or expect any remuneration? A I expect my witness fees.
Q It has been a good while since 1865? A Yes sir.
Q 40 years about now? A Yes sir.
Q You say you saw Jim Landrum yesterday? A I saw him on the train.
Q Did you speak with him? A No sir I didn't see him until I get up to go out, about three seats behind me.
Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
Q That was yesterday's evening train? A Yes sir.
Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
Q You don't know as to the title to it? A No sir, I don't know as to the title.
Q You simply know that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
Q Can you tell me what year that was? That was, he, he lived there several years, he must have lived 10 years before he come up there, I don't know as I can call the year at that especial---
Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890.
Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
Q How long? A Perhaps 4 or 5 months.
Q In what County is Neosho Falls? A In Woodson County.
Q Have you ever resided in any other County than Woodson County Kansas? A Yes sir.
Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Eureka, Greenwood County.

Q Did you keep hotel in all these places? A Well in Cherryvale and Eureka, but in Galena I ran a restaurant there.
Q You said a moment ago Galena, Coffey County, you don't mean that do you? A No sir I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I know when I come to think of it.
Q You say at one time that Jim Landrum lived on your brother's place? A No sir I didn't say so.
Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father with his family lived on his place when he first come there.
Q You say when you first knew Jim he wasn't married? A No sir.
Q He didn't have any family or wife that you knew of at that time?
A No sir, he was just visiting his relatives.
Q You said awhile ago he was mingling or visiting around there, how long did he continue to do that way? A I don't know anything much about him at that time.
Q At that time he didn't have any permanent place of abode? A No sir.
Q Did you know a man by the name of Asa Saferite? A Yes sir.
Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at LeRoy, and runed a mill in Coffey County.
Q Did he come over into Woodson? A Yes sir.
Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls.
Q Isn't it a fact that the old lady Landrum lived on his place?
A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
Q Did you know Dr. John Jones? A Yes sir I used to andknow him yet.
Q Does he live there yet? A No sir.
Q Where does he reside now? A He is in California somewhere.
Q As a matter of fact wasn't thislittle shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
Q You don't know about that? A I told you before I don't know about the title.
Q Do you know who the title was in? A I understood it was his.
Q Who? A Landrum's.
Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir I understood it was Landrum's.
Q Did you ever see the title to it? A No sir.
Q What is the personal knowledge that you are speaking from? A From general information as a man would naturally gather.
Q That is you saw it? A No sir I never examined the records.
Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

Q You had a conference with the Cherokee Attorneys have you? A Why only with Mr. Hays.
Q After you came here? A Well I met them and were introduced to them.
Q You talked this matter over with them and other witnesses in the case? A I had some little conversation.
Q And Mr. LBarnes and other witnesses talked this matter over? A I don't remember the gentlemen's names, Mr. Hastings and Mr. Davenport.
Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
Q At the time you say you first saw Jim Landrum you were only a boy? A I didn't say I was only a boy, but I wasn't very old.
Q Not over 1? or 16? A About 16.
Q Were you married at that time? A No sir.
Q Have you since married? A Yes sir.
Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it I rent it out, I am a farmer, if anything.
Q What did you say this old lady Landrum's name was? A I understood it was Charity.
Q You say she had a son named what? A I understood those were her children, one named July and one Sam.
Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember scaring him a goodmany times, and I have reason to remember him very distinctly.
Q Do you know whether that family of Landrums were any kin to Jim?
A All I know is that I understood they were related.
Q You don't know sir? A Don't know, I haven't looked up the family record.
Q How long did you remain in Woodson County after 1865? A That has been my home since I come to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893, I have been there.
Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
QQ You mean that in Woodson County? A Yes sir, Neosho Falls, I have alwways been in touch, I always took the paper.
Q From 1893 until a year ago, you didn't reside in Woodson? A I didn't reside there.
Q Then you left in 1893 and lived at different places? A Now in the meantime during that speal I was back a year, I come back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
Q You went away in 1893 come back and stayed a year and then was away in 1901, and come back last year? A Yes sir.

BY MR. DAVENPORT:
Q Do you mean you went away in 1893? A I went to Cherryvale in 1893.
Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I get mixed up. I went away to Cherryvale in 1897, and I was away about three years and I was back then in 1901.

Q Then when you stated 1868 a moment ago you didn't mean it? A No Sir, I meant 1867, I was away about six years all told.

BY MR. BLUE:

Q What hotel did you keep in Cherryvale? A I runed what was called the Logan house, near the Memphis Depot at that time.

Q What hotel did you run in Eureka? A That was called the Fourth Avenue, right north of the public square opposite the Court House.

Q Then you went from there to what place? A From there home, back to Neosho Falls.

Q Did you only run the two hotels? A I was at Galena awhile.

Q What restaurant did you run at Galena? A I runed the Silver Moon, I wasn't there very long, about four months I believe.

Q Do you say you were some place in Crawford County, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:

Q You say you first got acquainted with the applicant here, Jim Landrum, in the fall of 1866? A Then is when I knew of him, I stated I believe I might have known him in the fall of 1865, but to make positive I knew him in the fall of 1866 and 1867.

Q How far was he stopping from where you were staying? A As I said I hardly know where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.

Q How often did you see him from the fall of 1866 up during the winter of 1867? A I couldn't tell you how often.

Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.

Q When was he married? A I didn't state, I understood he was married about 1868.

Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.

Q You didn't know his wife prior to her marriage to him? A No sir

Q Have you known this applicant continuously here until he removed away some 7 or 8 years ago? A Yes sir.

Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.

Q You never heard of his coming away or moving off? A Nosir never did.

Q Did you know of his ever being considered a citizen up there?

A Yes sir he voted at Neosho Falls up there.

Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.

Q Did you ever talk with him anything relative to his being absent from the State of Kansas, ever hear him say anything about that?

A Never did.

BY MR. BLUE:

Q Were you at his wedding? A No sir.

Q Then you don't know anything about when he married only by heresay? A As I said I understood he married about 1868.

Q That is heresay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

Q You don't know who he married? A Didn't know her no sir.
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers location at different times.
Q You saw him deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the poles and vote.
Q You just said a moment ago you have seen him at divers time, now as a matter of fact, you never saw him deposit his vote?
A No sir I would not say that as I saw him hand his vote.

Mr. Blue: I object to this mere heresay testimony and ask to have it stricken out.

Commission: Objection noted.

Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he come to the Territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1898.
Q Do you know that personally? A That is I tell you I was away, I went away in 1897 and he went after I did.
Q Then you were not there when he left? A No sir I was there, he wasn't there when I come back.
Q That is about the information you have about it? A That is all the information I have got, as I have.

C. W. LEARNED, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A C. W. LLarned.

Mr. Blue: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the protest and motion for re-opening.

Q What is your age? A 49.
Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas? A Ever since 1857.
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him? A 1868 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first came there, he was just married.
Q Do you remember his wife's name? A Margaret.

Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 18 years I think.
Q Did they have any children? A Not when they first came.
Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir.
Q Do you know about how many? A No not that I know of as how many.
Q Name them as near as you can in rotation of their ages, the oldest ones first? A Her name is Alice, they called her Babe.
Q Do you remember the next oldest? A There is one named Ed a boy, one named Frances, she was named after my mother.
Q You say Frances was named for yourmother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
Q What was you said about seeing them in the hall? A Yes sir, I saw them in the hall awhile ago.
Q They are present here today? A I saw three of them here awhile ago, Alice, Sis and Lit.
Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here (indicating the applicant, Jim Landrum).
Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir I think they were.
Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
Q Since you got acquainted with Jim Landrum and his wife in 1868 have you resided in or near Neosho Falls, Kansas? A All the time yes sir.
Q What business during that time have you been engaged in, if any?
A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
Q Did you see them after they moved to town? A Yes sir.
Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two different parts, in the north part awhile and then in the east part down at what is called Simmon Grove.

BY MR. KLUM:
Q You say you live in Neosho Falls? A Yes sir.
Q And have resided there how long? A Since 1857.
Q Were you there when President Hayes visited Neosho Falls?
A Yes sir.
Q Were you there when Governor St. John introduced him? A Yes sir.
Q Do you know my old friend, Governor Finney? A I guess so have known him ever since I have been there, I think I heard you speak at Yates Center.

Q You have testified to some matters here, were you present at the birth of any of these children? A No sir.
Q About what year was it when you first knew Jim Landrum? A About 1866.
Q You didn't know him prior to that time? A I couldn't say, no sir.
Q Was he a married man when you first become acquainted with him?
A Yes sir, he came to our house to work
Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
Q Did he live in a cabin or a little shanty on the land there?
A Yes sir.
Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A No sir, I went to school with some of them.
Q Did you have mixed schools up there in your district? A Yes sir.
Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
Q How old were you then? A About 12 years old.
Q You were a mere boy? A Yes sir.
Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
Q When did you say Jim left your father's place? A I said he was there about 18 years.
Q On your father's place? A Yes sir.
Q And then moved to town? A Yes sir.
Q Were you living in town when he moved to town? A I aint sure whether I was living in town or in the country then.
Q You say you are merchandising now? A Yes sir, I have been for about four years.
Q In Neosho Falls? A Yes sir.
Q Prior to that time you have been a farmer? A Farming and buying cattle.
Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1901.
Q Are you acquainted over at Yates Center? A Yes sir.
Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
Q Do you know Mr. Waymire over there? A Yes sir he is a druggist.
Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here? A When do you mean, this time.
Q Have you been here before? A Yes sir.
Q When were you in the Territory before? A I was down here in 1902.
Q For what purpose were you here then? A For the same purpose I am here for now.
Q To testify for the Cherokee Nation in these applications? A The same as I am now.
Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
Q How many cases have you testified to at different times on behalf of the Cherokee Nation? A This is the second.
Q What were the other case? A The same thing.

Q Do you mean by that that this is the second time you have testified in this one case? A This Landrum case, yes.
Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
Q When was your attention first called to the testimony that you would give in the Landrum application? A I don't know when it was when Mr. Keys was there last sometime in 1902.
Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
Q Where was it, at Muskogee? A Here yes sir in Muskogee.
Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
Q Have you conversed with the Cherokee Attorneys since you came here this time? A No.
Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
A I think they were talking some in here, Keys talked to me up there.
Q Keys talked to you about the matter in Kansas? A Yes sir.
Q Did you have more than one conversation with him about it? A I think we talked several times about it.
Q Did you see him more than once up there? A I saw him twice, this time and the other time.
Q Then you saw him in 1902 and recently did you? A Yes sir.
Q Each of those times you talked the matter over with Judge Keys, did you? A Yes sir.
Q What compensation do you expect to receive as a witness in this case? A I suppose that isleft with them.
Q Have you been subpoened here as a witness? A Yes sir.
Q Do you expect any other compensation that you expect to receive for your mileage and your ttransportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:
Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:
Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neosho Falls at that time? A Yes sir out district school and city schools are all mixed.
Q You were going to the District school at that time? A Yes sir.
Q Do you recall any especial instance that you positively know that you met Jim Landrum? A Yes sir, on account of a man named Beoth Banks, that got into trouble.
Q Who was it that he got into trouble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
Q Who didhe have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
Q Do you know whether Jim was a witness in the case? A I do not.
Q Have you examined the Court record to know whether that was in 1868? A Yes sir.
Mr. Blue: I object, the record is the best evidence.
Commission: Objection noted.
Q Did you know him before that time? A I might have known him but I recollect that on account of that trouble.

BY MR. BLUE:

Q Were you present when this conversation took place between he and Booth Hanks? A Yes sir I was present there with them.

Q You spoke of somebody getting into trouble about getting into the store, who was that? A That was Hanks.

Q Now was that with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.

Q Was Hanks a white or colored man? A A white man.

Q What year did you say that was? A In 1866 I believe.

Q Do you know what month in 1866? A I think it was the last of August or the middle of September.

Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?

A It wasn't very long, I don't know exactly.

Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.

Q Did Jack Landrum also live on your father's place? A It was my father's brother's place.

Q Well it wasn't your father's place? A Not where Jack lived.

Q How close was it to your father's place? A Joined the line.

Q What was going on over there amongst the colored folks? A They were having a meeting.

Q A religious meeting? A I think so.

Q And this man Booth tried to disturb it? A Yes sir.

Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.

Q Do you know whether there was a minister there or not? A No I don't.

Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.

Q They were having preaching over there at that time? A Yes sir.

Q Was there a meeting house there? A No sir, it was out in the woods.

Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.

Q Can't call the names of any of them? A No sir.

Q You don,t pretend to say Mr. Learned that Booth Hansk was arrested for disturbing their worship? A No sir.

Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.

Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. A. Lynn.

Q What is your post office? A Neosho Falls, Kansas.

Q Your age? A 54 last September.

Mr. Blue: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness on the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said notice and protest, and the applicant has had no notice of the presentation of this witness upon this application.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The nation expects to prove by a daughter of Abbie Bearden and by a number of other witnesses whose names are not now recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867, but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, put in force by the United states Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your motion.

Mr. Blue: The Attorney for the applicant objects further for the reason that the paragraph in said protest and notice is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

Commission: Objection noted.

Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.
Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.
Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.
Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.
Q How many years was it after the war or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him -----
Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.
Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.
Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.
Q Did he continue to live on the Learned farm all this time? A No sir.
Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't say just what year he moved away from there.
Q Can you say he lived there one year or six months after you got acquainted with him? A He lived there several years.
Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.
Q Do you remember the names of any of them? A I remember the names of three.

Q What were they? A Alice, commonly called Pete, Ed and Frances.
Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
Q When did you see him first since that? A Last night.
Q Have you seen him since last night? A Yes sir.
Q Where? A Here in the room.
Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognise since I have seen the children to know them, I was only better acquainted with Ed.
Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer, I lived on William's and he lived on Homer Learned's farm. He lived on the southwest bank of the lake and I lived on the north bank.
Q How often would you see them during the time you lived on the Learned farm? A I don,t know that is a hard question to tell how often I saw them.
Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
Q You think he moved away from Neosho Falls, Kansas, about what year or how long ago? A About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. BLUE:
Q What is your business? A Farmer.
Q You spoke of having taught school? A Yes sir, I taught school eight months one summer
Q You came you say to Woodson County in 1864? A Yes sir.
Q Have you resided there ever since? A Yes sir my home has been in that same school district ever since.
Q That same school District, do you mean by that the School District in which you taught? A No sir.
Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
Q What remuneration do you expect for testifying here, if any?
A Nothing more than my mileage and fees.
Q Who has talked with you with reference to Jim Landrum up there?
A Mr. Learned is the first one.
Q You and Mr. Learned talked it over some did you? A Yes sir.
Q Have you talked it over with Mr. Learned since you came here?
A Yes sir as we came down.
Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
Q You know Mr. Hastings, the gentleman there behind you? A Yes sir.

Q You know Mr. Davenport? A I met him here.
Q You know Judge Keys? A Yes sir.
Q He came up to your county? A Yes sir.
Q You know Judge Keys and Mr. Hastings? A Yes sir.
Q Was this matter ever suggested to you, to what you would testify in this case by Judge Keys? A He asked me about the case of course.
Q When was that, the first time? A Day before yesterday.
Q Did you ever see him before that time? A Not to my knowledge.
Q Then you talked the matter over with him up in Woodson County?
A Yes sir.
Q And you and Mr. Learned have conversed it over since that time?
A Yes sir.
Q You say you recognized Jim Landrum here this morning? A Yes sir.
Q He is the same man you think you saw up in Kansas? A Yes sir.
Q You say you didn't know much about his children, do you remember the name of his oldest? A I think it was Babe as far as I know or Alice.
Q You say you know Ed? A Yes sir.
Q Did you know any of the rest of them? A Just as a person would know his neighbor's children, Ed, I have worked with him.
Q Was it been sometime ago since you saw any of them? A Yes sir quite awhile, I think it has been 16 or 17 years since I saw him.
Q How old were you in 1864? A I was 14 years old, I was born in 1850.
Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer andpart of the next winter.
Q Then you knew Ed while you lived on that farm, I mean Jim? A Yes sir I knew him.
Q After he moved to town you didn't know so much about him? A But I saw him frequently.
Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
Q That is what I mean? A Yes sir.

BY THE COMMISSION:
Q Can you give the Commission an idea as to how long it was after you went to Kansas untiol you got acquainted with Jim Landrum?
A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
Q When did you go on the Learned farm? A I went on the Learned place in November of 1876, I was acquainted with him long before that but I couldn't say how long.
Q Several years? A Yes sir.
Q When did you teach school in Kansas? A I began in the winter of 1872.
Q Did you know him at that time? A Yes sir, knew him before that.
Q Where were you living in 1872? A My home was on the , right there on Section 27.
Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
Q You knew him continuously then up until he left Kansas? A Yes sir.

E. E. MOORE, being recalled for further cross examination, testified as follows:

BY MR. KLUB:
Q Mr. Moore have you ever testified in any other of these applications for enrollment in the Cherokee Nation? A No sir.
Q Is this your first testimony in any of them? A It is.
Q Have you ever been in the Territory before? A Yes sir, about five years ago.
Q Were in here before in for the Cherokee Nation? A No sir, I was really afraid to come down her, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)?
A I think that is part of Landrum's family.
Q Which one? A I never knew their names, don't suppose I would if they had lived in Neosho Falls up to now.
Q Would you swear that they are his family? A I don't know whether it is or not.
Q You don't know anything about that, only whether it is or not?
A I aint sure about these.

BY MR. HASTINGS:
Q You are ready to recognize Jim Landrum there? A Yes sir.

BY MR KLUB:
Q Do you know this young man here (indicating)? A I don't know as I do.

C H E R O K E E  N A T I O N  R E S T S.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows:
Witness being sworn by Wm. O. Reall, Notary Public.

BY THE COMMISSION:
Q What is your name? A Charles Lynch.

BY MR. HASTINGS:
Q Have you ever been convicted of anything? A Yes sir.
Q What? A Railroad robery, Fort Smith, Arkansas.
Q Convicted in the United States Court there? A Yes sir.
Q When? A In 1887.
Q In 1887? A I think it was.
Q Were you convicted in Judge Parker's Court? A Yes sir.
Q Robbing a railroad? A Yes sir.
Q That is what you were convicted for? A Yes sir.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

Commission: Objection noted.

Mr. Rhee: The record is the best evidence of the offense with which this party was charged, if charged, and of his conviction if there was any.

Mr. Hastings: In answer to the above answer of Attorney for applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness admits himself by his own mind that he was convicted, and it is the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if this were the rule that the record would have to be gotten in each case, then no witness would ever be disqualified from testifying, because it would be impossible for Attorneys representing law suits to go around all over the United States the record of the conviction of every person in their pocket ready to be drawn out on that party ready to take the stand.

Commission: Objection noted.

BY MR. RHEE:

Q Were you pardoned? A No sir.
Q Do you know the applicant, Jim Landrum? A I do.
Q How long have you known him? A I have known him since '87.
Q Where did you first see him, do you recollect? A On Grand River.
Q In the Cherokee Nation? A Yes sir.
Q About where on Grand River, if you remember? A It was on the south side of Grand River in Saline District.
Q Was he married at that time, if you remember? A I don't really know whether he was or not.
Q Do you know his wife? A I do, yes sir.
Q Are you acquainted with his family? A Yes sir.
Q About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
Q Do you know the names of any of his children? A Yes sir I know the names.
Q You may give the names as far as you can call them? A The oldest one is Ed Landrum, Alice Landrum, Belle Landrum, and boy named Johnnie.
Q Do you recall any other? A There are quite a number of little ones, I disremember all their names.
Q Where has Jim Landrum and his family resided since you first become acquainted with him, if you know? A Part of the time when I first knew him on Grand River with his father, helped him make his place down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the next time I saw him his wife was with him, two or three of the children, and goes back again away from there, I don't know about 12 or 13 must have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he was back and forth he better known himself, I don't know.
Q Has he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

Q After he returned to Vinita as you stated, did he remain there continuously from that time until now? A Yes sir.
Q And about his wife and children, were they there also during that time? A Yes sir.

BY MR. DAVENPORT:
Q How old are you Charley? A 44 3rd day of last January.
Q You saw Jim Landrum you say in the Cherokee Nation in 1867?
A Yes sir.
Q How old were you then? A I was just a boy.
Q Well how old were you? A I was about 6 or 7 years old.
Q What makes you remember that it was in 1867? A Well what makes me remember was is at that day and time there wasn't very many people around there and when one come around there and was made acquainted he coming backwards and forwards a person would not forget them.
Q Had you known Jim Landrum before the war? A No sir.
Q Then you were not very well acquainted with him? A Not until he come there that time.
Q Did he stay at your house where you were living at that time?
A About a half mile from there.
Q You have never testified in this case before have you Charley?
A No sir.
Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1867? A I didn't say cause I don't know.
Q Who were you living with at that time? A My dada and mamma.
Q What was your father's name? A Simon Lynch.
Q And you remember at the age of about 7 years of seeing men who came to your father's house 37 years ago do you? A I suppose so if it was that number of years, haven't counted it to see how long it is.
Q Jim Landrum has been living there in Vinita for a number of years?
A Yes sir.
Q And has been having this contest as to his citizenship? A What contest.
Q Ever since he has been in Vinita his citizenship has been pending?
A I don't know.
Q You have lived there near him ever since he came there in 1897?
A I don't know.
Q He wasn't living in Vinita when the Kern-Clifton roll was being made in 1896? A I don't know.
Q You were living there were you not? A Yes sir living there longer than that.
Q Don't you know he wasn't living in Vinita in 1895 and 1896? A I don't know anything about that.
Q Don't you know when the testimony in freedman cases was taken, Jim Landrum wasn't there? A I don't know.
Q Can you tell me within three years of what time Jim Landrum moved from Neosho Falls, Kansas, to Vinita? A I don't know.
Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1867? A Yes sir.
Q Well who was it whose family wasn't living there that you say?
A That his family were not living there.
Q Yes, a man you came to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

Q Tell me another man who had no family that lived in that community who was helping his father making a farm in 1867? A I don't know.
Q Who was Jim Landrum's father? A George Landrum.
Q Was George Landrum living on Grand River in Saline District in 1867? A Yes sir.
Q What part of the year of 1867 was George Landrum living in Saline District on Grand River? A In the fall of '67.
Q It was in the fall of 1867 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you claim? A Yes sir.
Q How long had you been living there near where you saw him?
A 12th day of March, 1866, is when my father moved there.
Q Do you remember it? A I do.
Q You had been to Kansas to had you? A No sir.
Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1867? A No sir.
Q What do you mean by nosir, whether he was or wasn't? A I am not positive of his being there but he hadn't make no farm before that.
Q Had you see him in the Cherokee Nation before the fall of 1867?
A No sir.
Q You say he went away from there and was gone how long? A I didn't say cause I don't know.
Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.
Q Didyou ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita? A No I never knewed them to move.
Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life.
Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.
Q When was that? A That was sometime after '67.
Q It was sometime between 1867 and February 2, 1906? A Yes sir.
Q Ed is not living in the Cherokee Nation now, is he Charley? A
A Not that I know of.
Q Did he ever live here? A Only as I saw him with his mother, when they cameover and stayed awhile.
Q When was the last time you ever saw him in the Cherokee Nation?
A It has been about a year I reckon.
Q How long in 1902 when he he came down here and made his application? A I saw him 9 or 10 months ago.
Q Are you any relation to Jim Landrum? A No sir.
Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.
Q You didn't come down here as a witness in this case? A Yes sir I did.
Q What did they know about what you were going to testify to?
A I never saw his Attorney.
Q Do you know anything about Jim Landrum and his family living at Neosho Falls, Kansas, for years? A I don't know anything about it, couldn't tell you.
Q When did you first see Alice up there? A Long time ago.
Q When did she first move to the Cherokee Nation to live? A I saw her when she was a minor with her father and mother.

Q Who else lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson.
Q Tell me one that is not dead, if you know, can you tell me one that is living now that lived over there then? A Yes sir.
Q Who is it? A Andy Frye.
Q Can you tell me a freedman or whitemen that lived in that country at that time, who is now living? A I tell you who lived over there, that Benge boy.
Q Did they have a name? A Gee and Cute.
Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along then times there wasn't any mail.
Q You mean there were no letters in 1867? A Not around us, no place to get any.
Q Didn't you have no place where you went to town? A Had a country store out there named it Johnson Thompson's.
Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I know of.
Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
Q Was Johnson Thompson living on Grand River where he afterwards or sometime after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
Q Would you not remember as much about a store being ran in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
Q Jim Landrum came to Vinita in what year Charley? A I couldn't tell you.
Q Do you know where he came from when he moved his family to Winita?
A No sir, I don't.
Q You hadn't seen him for years? A No sir several years.
Q And toyour knowledge he had never kept house in the Cherokee nation until he moved his family to the Cherokee nation? A Only with his father.
Q He wasn't keeping house with his father? A He stayed there off and on?. A
Q How much was he off and how much was he on? A I couldn't answer that question.
Q Did he make a crop with his father in 1867? A No sir.
Q Did your father make a crop in 1867? A Yes sir.
Q What farm did he live on at that time? A Same one he lives on today.
Q What was it known then? A He made it.
Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY THE COMMISSION:
Q You say you were 44 years of age the second day of last January?
A That's.
Q Then you were born in January, 1861?? A That is correct.
Q At the time then that you saw this applicant you were six years of age? A About 6, yes sir.
Q And you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A I do.
Q Had you ever been to school before that time? A No sir.
Q Never had? A No sir.
Q He lived about a half mile, stopped there from where you lived?
A Yes sir.
Q And you a boy 6 years of age remember of seeing him? A I do.
Q How long do you think he remained in that neighborhood after you saw him in the fall of 1867? A The best of my memory he remained there the best part of the winter.
Q Then how many years elapsed before you saw him again? A Several years, I don't know.
Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
Q 7 or 8? A Something less than that.
Q 5 or 6? A I would not say positive.
Q Was it as much as 5 years? A No It wasn't as much as 5 years.
Q About three years? A Something like that.
Q Then is when he came back with his wife? A Yes sir.
Q How many children did he have? A He had three if I remember.
Q How large was the eldest one? A Just small children, they wasn't very big.
Q Was the oldest one 3 or 4 years old? A May have been I don't remember.
Q They had three children? A Yes sir.
Q They were not triplets, they were not all the same age? A No, no big and little and down to that Alice one.
Q Then when do you think you saw him again? A I didn't say, I don't know.
Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
Q When did you next see him? A I saw him down there
Q Came down there some place to that neighborhood? A Yes sir.
Q He never lived down in that neighborhood? A Not only for a time.
Q He was there for a short while or one months? A Yes sir.
Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew him keeping house with his family?
A Not outside of where I stated.
Q At Vinita? A Yessir.

CLORA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. PLUE:
Q What is your name? A Clora Foreman.
Q Where do you reside? A Vinita.
Q How long have you lived at Vinita? A I have lived at Vinita about 20 years.
Q Do you know Jim Landrum the applicant in this proceeding? A
A Yes sir.
Q How long have you known him? A Known him all my life.
Q What relation are you to him? A He is my brother.

Q Where were you about 1867? A Fort Gibson.
Q How long have you resided at Fort Gibson, or how long did you reside at Fort Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know how many years I did live there.
Q When did you go to Vinita? A It has been about 20 years ago.
Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he come and stayed with me down to Fort Gibson.
Q Are you able to state about what time in the year 1867 you saw him at Fort Gibson? A It was in the spring, I couldn't tell just what day and what month but I think it was along about July, him and my husband was making hay together.
Q What was your husband's name? A Luster Foreman.
Q Where were they making hay together? A Near Fort Gibson out there for the Government I think as near as I can remember.
Q How long did Jim Landrum remain there about Fort Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4 months down there.
Q Do you know where he went to after that? A He left there, said he was going to Grand River.
Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
Q Do you know where his father resided at that time? A Yes sir.
Q About where was it? A It was at the Island Ford on Grand River.
Q Now after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
Q Are you able to state when you moved to Vinita? A Yes sir.
Q If you remember when you came to Vinita to live please state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down.
Q Have you been residing in Vinita ever since that? A Yes sir.
Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him every once in a while.
Q Can you give it any more definite than that once in a while?
A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
Q When he came down to Fort Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir he was married.
Q Was his wife along with him? A No sir.
Q Do you know his wife? A Yes sir I know her now.
Q Did you know her at that time? A No sir.

Q Do you know his family Mrs. Foreman? A Yes sir.
Q Do you know all their children? A I know them now, I didn't know them until I moved up to Vinita.
Q Are you able to give the names of all of them now? A There are so many I don't know whether I could or not.
Q Do you know them all when you see them? A Yes sir, I know all the oldest ones names.
Q During the time, from the date of your location at Vinita until now have you known his wife? A Yes sir.
Q How often have you seen her since you went to Vinita until now?
A Right now I see her most every day cause we live close together, but before that I wouldn't see her only every once in a while, about a year during the time she had her children schooling them in Kansas, and she would only come back along about in the fall in vacation, she would come back down on the river.
Q How long, if you can recollect has Jim Landrum lived at Vinita?
A He hasn't lived there but about 5 or 6 years since he lived at Vinita since thepayment.
Q What payment do you refer to? A The strip payment.
Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
Q Do you remember whether or not he resided at Vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm out there close to my father's place.
Q Were you ever out at your father 's place on Grand River? A Yes sir.
Q There more than once? A Yes sir.
Q About how often did you go out to your father's place? A Not very often once in a while, about a year or two apart.
Q Did your father have that place on Grand River when Jim came down to Fort Gibson to help put up hay? A Yes sir.
Q Had you been there before that time? A No sir.
Q Were you there soon after that time? A Yes sir very soon.
Q Do you know whether or not that place is still maintained there? A Yes sir.

BY MR. DAVENPORT:
Q You say that Jim's wife had the children up in Kansas at school?
A Yes sir once I have been to Vinita she has.
Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
Q I will ask you if Ed Wasn't born in Kansas? A Yes sir.
Q If Frances wasn't born in Kansas? A I just tell you like I said
Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
Q Were they living in the Cherokee Nation when Hattie was born?
A I don't know whether they were or not.
Q Was Johnnie born in Kansas? A I don't know.
Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
Q At what place did he have all those children that I named living with him on Grand River? A At Uncle Jeff Lyons' his wife's father.

Q When was it he was living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Mattie, Belle, and Johnnie? A I don't know whether they were living there or not, they were out there, I couldn't say that they were living there.
Q You have told me that he at one time lived out there with these children, now I want to know what year that was if he lived out there with these children? A I couldn't tell you what year it was, but it was after the Wallace payment.
Q How long after the Wallace payment? A I don't know sir how long they lived out there.
Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.
Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir.
Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.
Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A Yes sir I was living there.
Q Don't you know he moved direct to Vinita from Neosho Falls?
A They were going to school up there.
Q The older children had gone to school quite a long time if they had gone to school all the time they stayed in Kansas did they not? A Yes sir I guess so.
Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.
Q Do you know anything about where they were living? A No sir.
Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.
Q Never did visit them while they were up there? A No sir.
Q They were not living in Vinita when you went to Vinita? A No sir.
Q They were not living on Grand River when you went to Vinita?
A No sir they were not there then, he was there but the family was up in Kansas.
Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.
Q Did you ever visit the family when they lived on Grand River before you moved to Vinita? A No sir.
Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.
Q That is hearsay? A Yes sir.

BY MR. BLUE:
Q Were you present at the birth of any of the older children?
A No sir.
Q Did you visit hispeople while they were in Kansas sending the children to school? A No sir I never did visit them at all, until they lived at Vinita.
Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I don't.

BY MR. LAWRENCE:

Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Luster make that hay? A No sir I never knew of him.
Q He was your brother? A Yes sir.
Q They stayed in Kansas from about 1867 up until 1867 sending their children to school, is that a fact? A I don't know sir.
Q You spoke about them going up there to send them to school?
A Yes sir.
Q And the older children went to school about 30 years, is that a fact? A I couldn't tell you how long they went to school.
Q They were up there raising them to week't they? A I guess they were.
Q But when they went there there was a number of the children in existence were they? There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.
Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir I guess they had children.
Q Did Him Landrum have any children by his wife living in 1867, when you say he came down there and helped Luster put up hay?
A Yes sir.
Q What was its name? A Ed and Alice.
Q He had two children then? A Yes sir.
Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.
Q How big were they in 1867? A I don't know.
Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir Alice was I know.
Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867? A I don't know.
Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.
Q You didn't see the children? A No sir I didn't see the children at all.
Q The children were not born before the war? A No sir.
Q They were not married before the war? A No sir.
Q The war closed in 1865 didn't it or do you remember what year?
A Yes sir.
Q Were they married before the war closed, Jim and his wife? A Yes sir they were married just after the war closed.
Q That would have been in 1865, don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn,t say they were sending them to school then
Q Didn't you tell me a moment ago that they went back there to send those children to school? A I said Jim said his wife was sending the children to school in Kansas.

Q She wasn't down here? A No sir.
Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.
Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.
Q And didn't you say they went back to Kansas, to send his children to school? A Yes sir.

Q And you also said that Jim went and his wife was up there educating his children? A Yes sir.

BY MR. WINN:
Q Was Jim's wife with him when he came down there to put up hay?
A No sir.
Q When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's.
Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.
Q Do you know anything about their sending these children to school in Kansas yourself? A No sir.
Q All you know is what your brother Jim said? A Yes sir.
Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.
Q Do you know where he was married? A No sir I don't know myself.
Q You were not at his wedding? A No sir.
Q You don't know anything about that except what you heard? A No sir he was married after I left up there.
Q Left up where? A Kansas, he married at the Falls after I left.
Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.
Q You don't remember about when that was? A No sir I don't know what year it was.
Q Now what do you mean when peace was declared? A When they said we could go home, the war was over.
Q Do you know when the fighting ceased in the Nation? A Yes sir.
Q Do you remember what year it was? A In 1865 I suppose.
Q 1865 when they ceased fighting down here? A Yes sir.
Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.
Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.
Q And all you have said about the children going to school up there is what you heard? A Yes sir.

BY MR. DAVENPORT:
Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir I went there in time of the war.
Q Then you came back from Neosho Falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:
Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.
Q You understood from him that his wife was up in Kansas?
A yes sir
Q Did you understand from him at that time that he had some children? A yes sir I believe he said he had two.
Q Did he name them? A Yes sir.
Q What did he say their names were? A Alice and Ed.

Q. Would they write to you while they were up in Kansas? A. No sir I didn't know what writing was then.
Q. You say you never went up to visit them? A. No sir.

BY MR. MILES.
Q. All you know about his being married is what he told you? A. Yes sir that is all I know about it.

CASE CLOSED.

---

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of February, 1908.

Charles B. Johnson
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the cases of --

| | |
|---|---|
| Jim Landrum Sr. et al., | Cherokee Freedmen D-414. |
| Frances Banks, et al., | Cherokee Freedmen D-608. |
| Belle Landrum | Cherokee Freedmen D-700. |
| Alice Lynch, et al., | Cherokee Freedmen D-701. |
| Lizzie Allen, et al., | Cherokee Freedmen D-702. |
| Ed Landrum, | Cherokee Freedmen D-1118. |

O R D E R.

On September 14, 1904, there was filed with this Commission, by the Cherokee Nation, a motion praying that the consolidated cases including the applications of Jim Landrum Sr., and others, and in which this Commission had, on August 29, 1904, rendered its decision herein enrolling said applicants as Cherokee Freedmen, be reopened, in order that said Nation might introduce newly discovered evidence tending to disprove the rights of said applicants to enrollment as Cherokee Freedmen.

After careful examination and consideration of the motion herein filed, and testimony heretofore taken in this case, said motion is granted, and it is ordered that the consolidated case including the applications of Jim Landrum Sr., and others, be, and the same is, hereby reopened for the purpose of permitting the Cherokee Nation to introduce newly discovered evidence tending to disprove said applicant's rights to enrollment as Cherokee Freedmen; and for the applicants to introduce in rebuttal such testimony as they may desire.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 19 1904

[illegible] 27, 1914

Receipt of the [illegible]
[illegible] of the Telegraph Poles and
[illegible] of the [illegible] and the
[illegible] Telephone and
D 710, Dall[illegible] Lumber.

[illegible]
[illegible]

Copy

Cherokee Freedmen
Dockets.

Muskogee, Indian Territory, January 13, 1905.

Belle Landrum,
Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor child as Cherokee Freedmen, you are advised that this case will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1905, at which time you will be permitted to appear and introduce any testimony that you may desire in support of your said application.

Respectfully,

Register.

Tams Bixby.
Chairman.

Cherokee Freedmen
Docket et al.

Muskogee, Indian Territory, January 18, 1906.

Kles & Bulger,
Attorneys for Jim Landrum Sr., et al.,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of the following applicants, you are advised that these cases will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1906, at which time the applicants will be permitted to appear and introduce any testimony that they may desire in support of their said applications.

| | |
|---|---|
| Cherokee Freedman D-664 | Jim Landrum Sr., et al. |
| Cherokee Freedman D-698 | Frances Banks, et al. |
| Cherokee Freedman D-700 | Belle Landrum, et al. |
| Cherokee Freedman D-702 | Lizzie Allen, et al. |

Respectfully,

Tams Bixby.
Chairman.

Register.

Refer in reply to the following:

Land.
72804-1908
Cherokee.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 20, 1908.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 8, 1908, the Commissioner decided adversely to all the applicants.

The record shows that on August 29, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion; that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Sr., and Margaret Landrum, and except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Taylor Newman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.N. - WL.

Muskogee, Indian Territory, August 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply by the Cherokee Nation to a motion for a rehearing in the Cherokee freedmen consolidated case of Jim Landrum, et al, No. D 664, et al.

The records of this office fail to show that a motion for a rehearing in this case has been filed with it. The decision of the Commissioner to the Five Civilized Tribes dated September 6, 1905, rejecting the applications for the enrollment of the applicants embraced in said case, together with the record of proceedings had therein, was forwarded to the Department September 11, 1905, where the same is now pending.

The Department's attention is called to its letter of November 21, 1905 (I.T.D. 10937-1905), addressed to J. J. Bulger, Vinita, Indian Territory, a copy of which was furnished this office November 24, 1905.

Respectfully,

Encl. N.A. 20-2.

Through the Commissioner of Indian Affairs.

Acting Commissioner.

E.T.Sr.

THE SECRETARY OF THE INTERIOR, 143

WASHINGTON.

I.T.D. 17646-1906,
19796-1906,
16446- "
22200- "
20944- "

February 6, 1907.

126

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On November 20, 1906 (Land 60973), the Indian Office transmitted your report dated September 11, 1906, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jennie, John, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1906, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 22, 1906, the attorneys for the applicants filed a protest against your decision, requesting that it be rescinded and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landon, who was enrolled in Company H, First Kansas Colored Infantry, also known as Company H, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 2?, 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landrum was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Falls, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louisa Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are noncitizens.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First-Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc. and 12 to Ind. Of.

Cherokee F.

D 700

COPY

Muskogee, Indian Territory, March 2, 1907.

Della Landrum,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting, among others, the application for the enrollment of yourself and minor child, Velma Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

JMM

Cherokee R.
R. Gil et al.,

Muskogee, Indian Territory, March 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Lowrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Encl. R-261
JMM

Enrolled No.
[illegible], etc.

Copy

Muskogee, Indian Territory, March 8, 1907.

Starr & Patton,

Attorneys for Jim Landrum, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Lindrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Encl. E-252
JM

Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Helma Sandroom

as a citizen of

Cherokee Nation

Approved June 12 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Jun 12 1901

Secretary.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] Cherokee Nation,
a Velma Landrum born on the 31 day of December, 1898
Name of Father John Wesson a citizen of the U.S. Nation,
Name of Mother Belle Landrum a citizen of the Cherokee Nation
Post Office Vinita I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT }

I, Belle Landrum, on oath state that I am 24 years of age and a citizen by adoption of the Cherokee Nation; that I am the ~~lawful~~ wife of John Wesson, who is a citizen, by ~~[illegible]~~ of the U.S. Nation; that a female child was born to me on 31 day of December, 1898 (Male or Female) that said child has been named Velma Landrum, and is now living.

Belle Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.) }

(Seal)

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT. }

I, Clara Forman, a midwife on oath state that I attended on Mrs. Belle Landrum ~~[illegible]~~ wife of John Wesson on the 31 day of December, 1898; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Velma Landrum

Clara X Landrum
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Belle Landrum
W D Banks

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown
Notary Public. (Seal)

ORIGINALLY ISSUED
1901

MEMORANDUM OF APPLICATION

# CHEROKEE FREEDMEN

JUL 11 1901

Date _____

Post Office _____

Instead _____

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Doubtful

Parents

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife [illegible] Age [illegible]

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents

Father [illegible] Citizenship _____

Mother [illegible] Citizenship _____

Names of Children

2. [illegible] Year _____ Page _____ No. _____ Dist. _____ 2

4. [illegible] Year _____ Page _____ No. _____ Dist. _____

5. Year _____ Page _____ No. _____ Dist. _____

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Doubtful

Application made by [illegible] Stenographer B. C. Jones

Affy of birth required

XRef 2664

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

[illegible],
[illegible], I. T.
[illegible]-D-D-7[illegible].
[illegible].

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 19 190

File with Cherokee Freedman, D. 7, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 1[illegible], 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Jim being sworn and examined by Commissioner C. H. Groombridge, testified as follows:

Appearances:
Messrs. Mallette & Smith, for applicants.
Mr. J. S. Davenport, for Cherokee Nation.

Q Give us your full name? A Jim Landrum.
Q How old are you? A I am between 60 and 6[illegible].
Q What is your postoffice? A Vinita.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And they are all living now? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed? A Yes, sir, in the late war.
Q Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought.
Q I stopped in Kansas when I was mustered in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother? A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years, 36 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 31.

Q Where were you and the children? A We were hunting: the first
[illegible] of the deaths of my son.
Q Where were you married? A Married in Kansas.
Q So when did you return when the war broke out? A We returned
[illegible] in the fall of 1862 by Elias Wright.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A She was a daughter of Jesse Harlington
living here on Grand River at the Creek Prairie place.
Q Have you ever married before you married this woman? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Give me the names of these five children? A Jessie Landrum.
Q How old is that child? A Twenty.
Q The next child? A Jesse Landrum.
Q How old is he? A 15.
Q The next child? A Jim Landrum.
Q Jim, Jr., isn't it, and the old man? A Yes, sir.
Q How old is your boy Jim? A 13.
Q The next child? A Barbara.
Q How old is Barbara? A Ten.
Q The next child? A Nelson.
Q How old is Nelson? A Eight, will be in July.
Q Are you on the 1896 roll? A I ought to be.
The 1896 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #3788, James Landrum, Goweesoowee District.
Page 153, #3789, Margaret Landrum, Goweesoowee District.
Page 153, #3790, Jessie Landrum, Goweesoowee District.
Page 153, #3791, John Landrum, Goweesoowee District.
Page 153, #3792, James Landrum, Goweesoowee District.
Page 153, #3794, Nelson Landrum, Goweesoowee District.
Q How comes you didn't get money for Barbara? A I did get money for her.
Page 153, #3793, Emma Landrum, Goweesoowee District.
Q Did you ever call that child Emma? A Sometimes.
Q Well Emma is really short of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.
Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied, didn't you? A Yes, sir.
Q And what did they say to you, what did they do to you?
A Well, when they made that '80 roll my father told me to work on the place and he would put all of us children on.
Q Is your father himself on there? A Yes, sir, I think he is.
The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 845, #863, George Landrum, Saline District.
Q Caroline, who is that? A That's my stepmother.
Q Who is Daniel? A My brother.
Q Your full brother? A Yes, sir.
Q Who is Daniel? A That is my brother.
Q Full brother? A Yes, sir.
Q Sherman, is he your brother? A Yes, sir.
Q Full brother? A Full brother.
Q Now, you came in the Army during the war? A Yes, sir.
Q Where were you discharged, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We were mustered out, it was in '65, and then I came home and hunted my people up and found them and then during that Christmas after I was discharged I came on down to the Nation. I didn't stay

in Kansas very long.

Q You got married in Kansas? A No, sir, I didn't marry when I came back here.

Q You married in Kansas? A Yes, sir. I went back and married them.

Q What year was it you married in? A '61 was.

Q How long after you were mustered out? A The next spring.

Q You were married in 1862; married the next spring? A Yes sir.

Q You didn't come '62 you mean '63? A Yes. Somewhere along there I can't remember exact.

Q You say you were a clerk in '62? A Yes, sir.

Q Let us understand now just what you mean. You were mustered out in '62 at Leavenworth were you? A I don't know whether it was '62; I was mustered out the same time Elton Lynch was mustered out.

Q Then were you mustered out? A Fort Kearney Colorado.

Q What company were you in? A I was in Company H.

Q Well you were mustered out; what time of the year were you mustered out? A Along, it was getting late in the fall.

Q Well, how long after you were mustered out was it before you came South? A That same winter.

Q You came down you say to look up your people? A No, my people lived in Kansas; I came down here to locate a place.

Q Had you heard of the treaty when you came down? A Yes, that was the talk of the crowd I came with, all came together.

Q You heard of the treaty having been passed? A Yes. sir.

Q What time was it in the winter you came down? A Just a little before Christmas.

Q A little before Christmas? A Yes, sir.

Q Where did you go? A Came down here in the Nation.

Q Well, did you pick out a place? A We stopped at the place after I got down here.

Q Well, you didn't married at that time? A No, sir.

Q Well, when did you go back to Kansas? A That spring.

Q And when did you marry? A That spring after I went home.

Q Married pretty soon after you got back there? A Yes, sir.

Q You say when you went home; you mean when you went to Kansas?

A Yes, sir.

Q How long did you stay in Kansas after you married?

A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.

Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.

Q Well, how long did you keep that up before you went back and got your wife? A Quite a while.

Q Well, two or three years, four years? A No, it would not be that long.

Q Well how long? A About a year.

Q And then you went back to Kansas and got your wife? A Yes sir.

Q And then you brought her down to the Nation? A Yes, sir.

Q Had you any children at the time you brought your wife down to the Nation? A No, sir.

Q You have some children that are old enough to apply for themselves? A Yes, sir.

Q Were any of them born in Kansas? A No, sir.

Q Were all of them born in the Cherokee Nation? A Yes, sir.

Q Well, when you brought your wife down that time did she continue to make her home here with you? A Yes, sir.

Q Has she made her home here ever since? A Yes, sir.

Q Well, when you came down from Kansas who came with you the first time you came? A Arch Lenerim.

Q Did any of your family come with you? A No, sir, I wasn't married then.

Q I am talking about your father and mother? A I came before my father did.

Q Well, how about your brothers? A I came before any of them did.

By Mr. Parsons:

Q You had children born since the 1880 roll was made, didn't you, sir? A I don't get any learning. I don't know when the 80 roll was made.

Q It didn't take learning to know whether you have got a child or not, did it? A I don't know.

Q Have you or not got children that are more than 20 years of age?

A Yes, sir.

Q Where were you living when the 1880 roll was made? A Living here on Grand river.

Q What place on Grand river? A Below Tahlequah.

Q At what place? A I had no postoffice then.

Q Had no postoffice on Grand river in 1880? A Had no postoffice when I came.

Q I also asking you about what you mean. I am asking you about 1880? A At the postoffice I know of there is one about Tiblow's.

Q That was in 1880? A I don't know when it was.

Q About one it you were living in 1880? A Down about Tahlequah.

Q Where did you live with them? A I lived with him, helped make that place.

Q You say your family lived there with your father in 1880?

A Yes, sir, part of the time.

Q Did you and your family live there with him in 1880? A Not much.

Q Did your life there partly with him? A With him all the time.

Q Well how long did you live with him? A I don't know.

Q How long did you live in Kansas after you were married?

Q I didn't live there any time.

Q How long do you think your family stayed there? A I went and got my family, my wife.

Q Did you bring her home as quickly as you married? A Yes, sir.

Q There was she living at the time you married? A At Tuway.

Q And you left immediately for the territory? A Yes, sir.

Q Have you lived in Kansas since then? A Some.

Q About how long have you lived in Kansas? A Oh, I don't know, just a little bit, lived in Kansas and worked.

Q What place or places have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.

Q You say you have lived some in Kansas since; I want to know what places you have lived? Q When I went back my folks lived there near Neosho, Kansas, my father did.

Q You have got people living at Neosho Falls now? A No, sir.

Q You are not kin to Bell Landrum? A No, sir.

Q Do you know what her husband is named? A Yes, sir.

Q What his name? A July Landrum.

Q He is no relation of yours? A No, sir.

Q Neosho Falls is where he lives isn't it? A I don't know where he lives.

Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir.

Q Where have you lived? A Down here on Grand River.

Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's ferry.

Q Have you lived in any other place out of the Cherokee Nation?

A I lived at Gibson.

Q Gibson isn't in Arkansas? A No, sir.

Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Not that I can remember.

Q Did you apply to the Dawes Commission in 1898? A Can't remember.

Q You would remember it wouldn't you if you had of done so?

A I don't know whether I would or not.

Q You remember the happening of things very well don't you?

A Sometimes and sometimes don't.

Q What county in Kansas were you married; you said you were married at Tuway? (No response).

Q What country was it in? A I don't know. It is in Indian country, I know.
Q Was the country north? A Northwest.
Q Did you hear he got to the Cherokee Nation in that year did you say?
Q You stated I had mentioned one.
A What country were you mustered out? A That is what I don't remember.
Q You don't know what it was you were mustered out for don't know what it was you came back to the Cherokee Nation?
A No, sir. It was in the summer I was mustered out.

JOHN LIKENS, being sworn and examined by Commissioner C. S. Brockunier, testified as follows:

By Mr. Smith, of Counsel for Applicant:

Q What is your name? A John Likens.
Q How old are you? A 68.
Q Where do you live? A On Lightning Creek.
Q What is your occupation? A Farmer.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Jim Lankford, the applicant? A Yes, sir.
Q How long have you known him? A I have known him every since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q No one? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand river.
Q Well, what part of Grand River? A The Island Ford as they call it. The Ford ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Pastor Lankford.
Q She was a Cherokee citizen? A Yes, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Lankford when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war or your own knowledge?
A During the war, he was a soldier during the war.
Q And you first saw him back home in the Cherokee Nation at that time? A It was here in '66, on the Grand river there at his daddy's.

By Mr. Davenport:

Q What makes you remember it was in '66? A Because I remember.
Q Well what year was the Wallace roll made? A I could not tell you.
Q You were here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Dawes-Kilpatrick roll made? A I don't know.
Q You were here? A Yes, sir.
Q You don't remember if I don't get no education.
Q How do you know '66? A I know it.
Q How do you know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty was you speak, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q His father was with him, was he? A Yes, sir.
Q Did his father come home at the same time? A No.

A I did not, of course he did.
Q Was he born in Texas before his father did he in question isn't he? A He came before that time arrived and remained. He stayed with Andy Landrum and family.
Q And has family didn't come with him at that time? A No, sir.
Q Well, do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place, do you know? A Place they called Lerch, just the other side of Lerry. I forget the name of the place but I know just exactly, about two miles the other side of Lerry.
Q About how long did he live up there after he got married?
A I don't know, he never stayed up there a great while.
Q Has he been living near you ever since he came back? A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.
By Mr. Smith:
Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A Yes, said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.
By Mr. Davenport:
Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember that? A No, sir.
By Mr. Smith:
Q Where were you when you first heard of this time that the negroes had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your name? A Harry Still.
Q How old are you? A 54.
Q What is your postoffice? A Haydon.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
Q Do you mean put on one by this Commission? A Yes, sir, at Vinita
By Mr. Smith:
Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 25 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war?
A It was up pretty near about the first of February when I saw Jim.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.

Q Now, about what time you think you saw him? A About best part of '66.

Q What did you mean by saying it was in February? A It was in the last part of '66.

Q Well was it in '66? A Yes, sir.

Q How long was it from Christmas? A Why it was about the last part of Christmas: just after Christmas: when I saw him at his father's.

Q Well, I don't understand you, that did you mean? saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66, it was after Christmas, I saw him of '66.

Q After Christmas? A Yes, sir, I spent about Christmas. It might have been the second week in January.

Q Where did you see him first? A At his father's on Grand river.

Q Had you seen him before that? A Yes, sir.

Q Where did you see him? A I saw him in the first Colored Regiment.

Q There has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.

Q Well, now, let's see: I don't understand what you mean by the time you first saw him: I don't understand that: do you know the month it was? A No, I don't. It was about the last part of '66 when I saw him.

Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?

A It was about that time. I remember I went over there and I saw Jim there and it was about the last part of '66.

By Mr. Davenport:

Q You saw him sometime after christmas, '66? A Sometime.

Q You don't remember about how long after Christmas it was?

A No, sir, it was about the last part of '66.

Q You thought when you first stated that it was in February, '66?

A I am not positive.

Q Was it about February after the Christmas of '66 or not?

A I am not positive.

Q You know anyway it was after Christmas? A It was about the last part of '66.

By Mr. Smith:

Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.

Q The third trip you made? A In the fall, along there, in October.

Q About how long was it after you come back the third time until you saw Jim Landrum? A Sometime in December.

Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

Gov'r Breckinridge: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his residence in the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company K, 79th U.S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the War Department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now

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given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his Postoffice address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 57 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 51 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the Civil War and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of his five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1898. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 22d day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11th, 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A About 50.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.

Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anyone besides yourself? A Myself and one child.
Q How old is the child? A She is 13 going old.
Q How long have you lived in the Cherokee Nation? A Off and on all the time.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out? A Yes, sir.
Q Did you belong to a Cherokee master when the war broke out?
A Yes, sir.
Q Give me the name of your master? A Pat Landrum.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Have you been out since the war? A Been out and in since the war
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked since the war some.
Q Give me the name of your father? A George Landrum.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 12 or 14 years .. best as I can get at it.
Q Give me your mother's name? A Cassie Landrum.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I think about 12 years.
Q Was your father a Cherokee freedman? A Yes sir.
Q Was your mother a Cherokee freedman? A Yes sir.
Q Where did your master Pat Landrum live? A On Spavinaw Creek.
Q In what district? A Delaware I think.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Kirkpatrick.
Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.
Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living now? A Yes sir.
Applicant not on the 1880 or 1896 roll.
Kane Clifton roll examined and applicants found as follows:
page 183, No. 5795, Willie Daniels, Cooweescoowee district.
page 165, No. 5796, Ethel Daniels, Cooweescoowee district.
Q How comes it that you are not on the roll of 1880? A I don't know. I left it to my father and he said he would attend to it.
Q Where did you go during the war? A Neosho Falls, Kansas.
Q With who? A Lots of them.
Q Did you come with your husband? A Yes sir he came too.
Q Did you stay there until after the war? A Yes sir.
Q When did you come back? A In the spring I guess.
Q Of what year? A When my father and Simon Lyman came, I don't know the dates.
Q Did your husband come back with you? A No sir.
Q When did he come? A He sent me on with his father and my father and he stayed and worked a while and he came down the next spring after I did.
Q Did you have any children at that time? A No sir.
The authenticated roll of 1880 examined and the name of the

Applicant's Counsel identified in the room as follows:
[illegible]
[illegible]
Hon. Thomas and same is found in Respondent.
[illegible]
Q How long after you got back before your husband came? A In the Spring.
Q How long after you got home before he came? A I guess it was a year.
Q Was some one living and he came the back door? A Yes sir.
Q Where is Simon Lynch? A I guess he is at home.
Q How far does he live from here? A I don't know.
Q Is there anyone here who knows of your having been married?
A Yes, sir.

JAMES LENOXON, called and examined a witness for the applicant, testified as follows:
(By Gen'l Breckinridge)
Q What is your name? A James Lenoxon.
Q What is your occupation? A Tinker.
Q How long have you lived in the Cherokee Nation? A All my life off and on.
Q Were you out during the war? A Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir
Q Do you know this applicant here? A Yes, sir.
Q What kin is she to you? A My sister.
Q Are you a son of George and Cassie Lenoxon? A I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then?
A No, sir, half brother to her, my mother was Peggy and her mother was Cassie.
Q Was your father married to Peggy before he married Cassie?
A Yes, sir.
Q When did he marry Cassie, was it in slavery days? A Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both of his wives slaves? A Yes sir.
Q Did he pretend to live with both of them at the same time?
A Yes sir.
Q Superintendent: Was that sort of thing permitted in that day? A Yes sir that was the go in those days, nigger women is what they wanted.
Q Do you remember when George Lenoxon came back to the Cherokee Nation.
A Yes sir, I was with him? A Yes sir, I came first before he did.
Q Were you there at the time he died? A Yes sir.
Q [illegible] A Yes sir.
Q Were you here when your father died? A Yes I was back for your funeral? A No only when I came back to Kansas.
Q You didn't see him when he got home? A No sir, I was here when he started from Texas.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] A It was [illegible] Kansas? A Yes sir.
Q [illegible] but did you hear of them in the Nation?
Kansas? A In the year [illegible] A It was in [illegible] year? A In March.
Q [illegible] Kansas? A I think it was.
Q [illegible] A Yes very just right at the close of

the cap.

Q Is your name on the roll or book? A I don't think it is.

Q You applied for yourself a few days ago? A Yes sir.

Q You think so, you was sick at the time you didn't? A Yes sir.

Q Don't you remember? A Yes sir, I remember.

Q Had your relatives with your sister when they came back? A No sir

Q Where was she? A At Vinita.

Q Didn't she live with your father after the war? A No sir.

Q Did she get married the war? A Not sir.

Q Then was the home she lived in after the war, Landrum? A Yes sir.

Q Didn't she marry Charley Lynch and take his name? A No sir.

Q Now let's go back, when Charley Lynch was first dead? A She has been dead 18 or 20 years.

Q Did she continue to live in the Cherokee Nation after the war?

A Yes sir.

Q There has been a lot of water of years lived since the war? A She has lived at Joseph's house and Frank's house and in Simon Lynch's settlement and in Jack Landrum's entire out.

Q Did she ever live outside of the Cherokee Nation since the war?

A Most of the time.

Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A No sir.

Q When do you want to say then? A That she has lived right where my father first brought her most of the time since the war.

Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A Yes sir.

Q You are positive that she has made her home here all the time since the war? A Yes sir.

(By the examiner of the applicant-)

Q You didn't indicate that you had made your home here all the time since the war did you? A I worked out some.

Q Where have you been out at work? A At Neosho Falls some times.

Q Any other places? A Chetch.

Q Anywhere else? A No sir.

Q How much work have you done at Neosho Falls? A Sometimes six months maybe seven. Then I would make a trip back here.

Q Did you take your family with you? A Yes sir I would take the baby there sometimes.

Q How about Chetoqua? A Yes sir the same way.

Q Have you spent as much as half your time in Kansas? A No sir, I would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.

Q When did your last husband die? A 2 years ago.

Q Where did you bury him? A Neosho Falls.

Q Where did you marry your first husband? A On the river where I live now.

(Cross examination of witness, James Landrum)

Q What was the name of your mother's first husband? A Tom Daniels.

Q When did she marry him? A Long before the war.

Q How long was he dead about? A Been dead about 18 years.

Q Did she live with him until she died? A Yes sir.

Q What was the name of her second husband? A Jerry Kirkpatrick.

Q How long has he been dead? A About 4 years I think.

Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.

Q Did she marry him after Tom Daniels died? A Yes sir.

Q Was she ever married except these two times? A No sir.

Q Did she live with Kirkpatrick until he died? A Yes sir.

Q Do you know that your father has been in the habit of going to Neosho Falls and working and working there? A No sir.

Q You don't know anything about it? A No sir.

-4-

[illegible] Her testimony shows that she [illegible] half her time there and [illegible] pay you [illegible] the [illegible] [illegible] and don't know anything about it. [illegible]

By Chief Commissioner.

The testimony of the applicant and of the witness Jesse Lankford up to this point will be filed in the case of the said Jesse Lankford, as it includes that his testimony is unavailable and should be taken into consideration in deciding any statement he has made in his own application. His application of Cherokee freedmen 1896.

I, Chas. Van Zwiler, upon my oath, state that the above is a true and complete copy of that much of the original testimony as has been ordered filed in Cherokee Freedmen. Docket one page.

Signed, Chas. Van Zwiler.

Subscribed and sworn to before me this the 20th of July, 1901.

Signed, H. D. Green,

(Seal) Notary Public.

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Brice C. Lewis, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Brice C. Lewis

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Alice Lynch for the enrollment of herself and one child.

Alice Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Alice Lynch.
Q What is your age? A 34.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody but yourself? A My little girl.
Q What is your little girl named? A Laura Lynch.
Q How old is she? A She is 11 years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John Lynch.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q What is your father's name? A James Landrum.
Q Your mother's name? A Margaret Landrum.
Q Is your name on any of the rolls of the Cherokee Nation? A It is on the 1896 roll.
Q It is not on the 1880 roll? A No, sir, I don't think it is.
Q You got what is known as the Kern-Clifton money, did you?
A Yes, sir.
Q Where were you born? A On Grand River, near Island Ford.
Q Cherokee Nation? A Yes, sir.
Q Lived there all your life? A Yes, sir, nearabout.
Q Have you ever lived outside the Cherokee Nation? A No, sir, only just working.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant, Alice Lynch, identified thereon, page 185, ~~Nex~~ no number given, as Alice Landrum, district not given.

Q Did you draw for this child? A No, sir, I didn't.

Mr. Davenport: You say you were born in the Cherokee Nation? A Yes, sir.

Q Did you ever live in Kansas? A No, sir, never lived there, never had any Home there; I have worked in Kansas.
Q How long have you worked at one time in Kansas? A I don't know.
Q What places have you worked? A I have worked in Iola and I have worked in Parsons.
Q For whom did you work at Iola? A Well, worked there for a firm by the name of Gantt.
Q Anyone else? A Manna, and then worked at Parsons.
Q For whom did you work there? A I don't know, it has been so long.
Q How many times have you been married? A Once.
Q Where were you married? A Here in the Territory.
Q You were not living in Kansas when you were married? A No, sir.
Commissioner: Where was this child born? A Born on Grand River.
Q In the Cherokee Nation? A Yes, sir, Cherokee Nation.
Q Have you lived in the Cherokee Nation continuously since you married to Ed Lynch? A Yes, sir.
Q Is he a Freedman? A No, he don't claim, he is a freedman but then he doesn't claim.

Mr. Davenport: When were you and Ed married? A About 11 years ago.
Q You are his divorced wife, are you? A No, sir.

Q The Ed Lynch that I am thinking of, is he the son of Allen Lynch?
A Yes, sir.
Q Are you and he living together now? A Yes, sir, living together right now.
Q Well, have you been living together for the last seven years?
A Yes, sir.
Q He's your wife? A Yes, sir, his wife.
Q Don't you know that Ed Lynch procured a decree of divorce from his wife in Delaware district in the year 1898, or the early part of 1899; Ed Lynch's Ed? A No, I don't know that.
Q How many wives had he at that time? A I don't know that he had any but me, I am the first one.

Commissioner:- Alice Lynch applies for the enrollment of herself and her child Laura. She avers that she is married to one Ed Lynch, and as a result of said marriage has one child Laura Lynch. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1890, but is identified upon the Keen-Clifton roll. She avers that she is the daughter of James and Margaret Lanham, who have been listed for enrollment as Cherokee Freedmen on D card 694, and the testimony in said case will be made part of the record in the case at bar, and a copy thereof will be filed herewith, and the said Alice Lynch and her child Laura will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to make satisfactory proof of the birth of said Laura. She will be notified by mail of the decision of the Commission as to her application, when arrived at.

**********

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 21st of June, 1901.

[signature]

Commissioner.

N 35101

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[illegible] of the Interior,
[illegible] to the Five Civilized Tribes,
Vinita, I. T. October 14th 1901.

Supplemental testimony in the matter of the application of Jim Landrum et al, C. D. D. 721.

Appearances:
James T. Davenport for the Cherokee Nation.
Mellett & Smith for the applicant.

G. B. GRIFFITH being first duly sworn before Comm'r T. B. Needles testified as follows on the part of the Cherokee Nation:

( By Davenport )
Q What is your name? A G. B. Griffith.
Q Where do you live? A Vinita.
Q How old are you? A 29.
Q Where did you live before coming to Vinita? A Emporia, Kansas.
Q Did you ever live at Neosho Falls, Kansas? A Yes sir.
Q How long did you live there? A From '76 until '87.
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there.
Q Did he have a family there? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No sir.
Q Have you seen him since he came to this country? A Yes sir.
Q Do you know where he lives now? A No sir I just seen him here in town.
( By Smith )
Q You dont know if the man you are talking about is the same man who is an applicant in this case or not? A Yes sir the same one that was pointed out to me.
Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith, I knew him when I was going to school there, I can't say when I first knew him.
Q How long did you live in Emporia? A From '87 or '8 when I first went up there un til '92 when I left.
Q When did you first know this man you are talking about in Neosho Falls Kansas.
Q What year? A I knew him until I left there, I dont know when I first knew him.
Q Did you know him in Emporia? A No sir.
Q You say you left there about '87 or '8? A Yes sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.
Q And you cannot say when you first knew Landrum? A No sir.
Q Do you know his family? A Only the boy Ed.
Q Was he grown? A Yes sir.
Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Have you been in Kansas? Have there? A I have been up in it.
Q You don't know when the Cherokee was there? A No sir.
Q How old did you say you were? A 18.
Q How often would you see Lucinda there on Neosho Falls? A Some times every day for a good many days and weeks and then for a week at time.
Q Do you guess if he lived at Neosho Falls or lived than one place?
Q He lived on more than one place in town there.
Q You don't know if he had his family with him? A No sir I don't know he had his family.
Q You don't know anything about where he lived before he was there? A No sir.
Q You don't know if he owned any property in the Cherokee Nation? A No sir.

PRY CHAVERS, being first duly sworn by Capt. J. R. Keelles, testified as follows on the part of the Cherokee Nation:

( By Davenport )
Q What is your name? A Pryor Chavers.
Q Where do you live? A In Quapaw.
Q How old are you? A 42 or 3.
Q Did you ever live in Kansas? A Yes sir.
Q Did you ever live in Neosho Falls? A 18 miles from there.
Q At what place? A Iola.
Q Did you get acquainted with a colored man named Sid Lanham there in Kansas? A Yes sir.
Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knowed him.
Q Have you ever seen him since he left there? A Yes sir.
Q Where? A Here.
Q Visits? A Yes sir.
Q Where is he living now? A North of here the other side of the mill.
Q How long has he lived there? A Between five and six years.
Q When did you see him in Kansas? A About '80.
Q Did he have a family? A Yes sir.
Q Do you know when he came there? A No sir.

( By Smith )
Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
Q Mostly off or on? A Oh every six months or so I would come here.
Q When did you first come? A I came right after the close of the war
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichita and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though; I did stay a while in Coffeyville
Q Did you ever live in Geneva? A No sir.
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and fairs.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q You have been testifying in a case here between Cherokee? A No sir I have only been here twice before.
Q You have been here more than that haven't you? A No sir this makes the third time.
Q The other day didn't you say when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
Q Didn't I ask you that to state all the places in Kansas that you were familiar with? A No sir I don't think you did.
Q Didn't I ask you that and didn't you undertake to tell ,o all the

Please you had been in Kansas? A [illegible] such places as you named, as you asked me about.

Q Didn't you understand to mean every place that you had been in Kansas? A No sir, only those that you asked me about.

Q Didn't you understand in your examination that you had been? A No sir, I wasn't asked that question. You asked me if I had been in such places, but you never asked me the question.

Q You have been in the penitentiary, haven't you? A Yes sir.

Q In Kansas? A Yes sir.

Q You plaided guilty to whiskey selling in the Territory? A Yes sir but I never sold any.

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This will be filed in the original application, D-698 and also in D-698; D-700; D-701 and D-701.

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Chas. von Trieu, being first duly sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 18th of October, 1901.

Commissioner.

30701

COMMISSION TO [illegible]

FILED

MAY 22 1902

ACTING CHAIRMAN

P. S. Cont.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 18, 1906.

In the matter of the application of Jane Riley for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-641.

Applicants represented by Valette & Smith.
Cherokee Nation represented by J. H. Davenport.

C. T. LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A C. T. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr. Learned?
A Ever since '87.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '68.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there?? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '68? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place in this neighborhood? A Why, yes, sir, Jim Landrum moved to town.
Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I believe he came back here.
Q From the time you went to Neosho Falls--that was in what year? A We went to Neosho Falls
Q Yes sir. A Came there in '57.
Q Well, now then did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A All this was after the war, '65 was the first I recollect of them.
Q Well now then they lived on your father's farm, until about when? A Yes, sir, on there in '66.
Q Jack or Jim moved away first? A Jack moved away first.
Q When do you think now he left the farm? A Well I don't know as I could just say when he left. But he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes sir.
Q How many children had Jim when he came on your father's farm? A Didn't have any just married.
Q Did you know what his eldest child's name was? A Yes sir.
Q What is it? A Oh lad her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.
Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.
Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhere along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETTE: When did you say your people first moved up there? A '57.
Q You remember that do you? A I remember when I first moved there, yes, sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I remember.
Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '59.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

Q Hadn't you just swear—I set you to the witness stand that you remembered that your people moved from in '67, now answer whether you said that or not? A I didn't tell I did.

Q You swear that? Do you want the record.

(Record read).

Q You don't you think that's rather wild guessing?

MR. DAVENPORT: I object to that question.

MR. MELLETTE: Don't you think that's rather wild guessing?

MR. DAVENPORT: Answer the question, Mr. Learned.

A Guessing that I knew when I moved there in '67?

MR. MELLETTE: Yes, sir. A No, I don't remember when I moved there in '67.

Q What made you swear it then? A Didn't know as I understood the question.

Q Well I asked the question straight out; how old were you in '68? A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when those people left there, and every thing of that sort, do you? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being arrested.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me

Q You.re testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said—

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir. I do not.

Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—

MR. DAVENPORT: I object to that because that's not evidence of where he was.

MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—

MR. DAVENPORT: That's no evidence where he was in '68.

COMMISSION: 1880 roll page 121, No. 1681, John Landrum, Coweeseeowee District, Adopted Colored.

MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.

Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q That meeting? A [illegible] meeting.
Q [illegible] was that meeting? A [illegible] [illegible] 1867, I guess.
Q Well do you remember every body that you saw at [illegible] when you was 11 years old? A No, sir.
Q [illegible]? A Don't know, sir, as I remember, [illegible] living on our place.
Q Who lived on your place? A Jack Landrum [illegible].
Q Jack Landrum and Jim; where were they in '67? I couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum [illegible] A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not, [illegible] sir.

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas )
Woodson County. )SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the October Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-605, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

I, Margaret Gutzinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Gutzinger

Subscribed and sworn to before me this 8th day of May, 1908.

[illegible]
NOTARY PUBLIC.

[illegible]
[illegible], Vol. [illegible], and Vol. [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 2, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jim LANDRUM Sr., NT Ab., as Cherokee freedman.

It appears from the records of the Commission that on January 15, 1906, the applicants, their attorneys, and the attorney's for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 2, 1906, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Jim Landrum Sr., appears in person and by Attorneys Blue & Dalger.
Cherokee Nation by its representatives, Bell, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E.B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A. E.B. Moore.

Mr. Blue: The applicant objects to the introduction of the testimony of this witness because the protest and motion for re-opening does not contain his name or any statement to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:
Q What is your post office address? A Neosho Falls, Kansas.
Q What is your age? A My age is 57
Q How long have you lived in or near Neosho Falls, Kansas? A have lived near Neosho Falls, Kansas, every since the year, 1868
Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yes sir
Q About what year did you get acquainted with James Landrum? A got acquainted with him almost immediately after the close of the war.
Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.
Q Do you know whether or not he had a family, at that time? A I think he hadn't at that time.
Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind of a stopping with his folks there.

Q Do you remember their names? A Yes sir.
Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
A Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Nelle, I could not be positive about it.
Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him mingling around with that family and another family that lived on our place, their names were Landrums also.
Q Do you know the old man of the family that lived on the place at that time? A I don't remember any old man Landrum, I remember the old lady.
Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Wart.
Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
Q On whose farm? A My brother's.
Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
Q Did you ever see his wife? A Yes sir.
Q Do you know what her name was? A I couldn't tell you her first name.
Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite a while down on Mr. Learned's farm.
Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
Q About how often would you see Jim Landrum after he married?
A I don't know , I would see him like I would any other neighbor in the country, I might see him once a week, and I might not perhaps see him for a month, but off and on.
Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family?
A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, don't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used to know one of his boys, I think about the second child perhaps, his name was Ed, if I haven't forgot it, I aint so very good on names.
Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
Q Have you seen him since that time? A Not until yesterday.
Q Where did you see him yesterday? A On the train as I come in.
Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
A Yes sir.
Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes, sir.
Q While his family was living there , they kept house where they lived? A Yes sir, after they lived there some years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years in a little shanty he called his own, I have been to his house.

Mr. Kline: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

Q For that purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening like and was talking about his family, he was playing a violin. It looked likes there were 8 or 10 there.

Mr. Kline: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.

Q About how long do you think he lived in the town of Neosho Falls after he left the Learned farm? A My judgment would be he lived there 10 or 12 years.

Q What is the population of Neosho Falls? A It is considered 500

Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different.

Q That is what I want to know? A That was in 1880, the town was just about as large as it is now, it was incorporated at that time.

BY MR. KLUX:

Q Do you know my old friend Governor Finney? A Yes, sir.

Q Have you resided there as long as he has? A I don't know when Governor Finney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.

Q What place did you go to Kansas? A We first came on my brother's farm about a mile north of Neosho Falls, we rented and stopped there, my father took a claim afterwards

Q From what place did you come to Kansas? A We came from Indiana

Q You say you resided in Kansas since 1856? A Yes sir 1856 we came there.

Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I know her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum, she was the mother of July Landrum, who claimed to be cousin of Jim's.

Q How long had she lived there when you saw Jim about there?

A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.

Q What kind, Indians or freedmen? A Indians and negroes.

Q You didn't see Jim you say until possible to 1868, and you are certain you think you saw him in 1868? A Yes sir, it was after the war.
Q Do you know whether or not he had just come out of the service at that time? A As I understood it he and his brother were in the service.
Q His brother-in-law Daniels? A Yes sir.
Q You understood they had been in the United States service?
A I understood so.
Q You say you were at his house once in Neosho Falls? A Yes sir
Q Who was this man you say that he rented from? A He lived on Leonard's place, that was three miles below me, I don't know whether he rented or worked by the month.
Q Do you know Colonel Leonard of Lawrence? A No sir.
Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked withanybody until I saw Mr. Keys , he came up there and asked in regard to him,
Q Judge Keys? A Yes sir.
Q When was that? A That was about three days ago I think
Q At whose expense are you here? A Why his I presume
Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoenaed

Commission: Objection noted.

Q Have you been subpoenaed to come here? A Yes sir.
Q Have you been paid or expect any remuneration? A I expect my witness fees.
Q It has been a good while since 1868? A Yes sir.
Q 40 years about now? A Yes sir.
Q You say you saw Jim Landrum yesterday? A I saw him on the train.
Q Did you speak with him? A No sir, I didn't see him until I get up to go out, about three seats behind me.
Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
Q That was yesterday's evening train? A Yes sir.
Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
Q You don't know as to the title to it? A No sir, I don't know as to the title.
Q You simply knew that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
Q Can you tell me what year that was? A That was in, he lived there several years, he must have lived 10 years before he come up there, I don't know as I can call the year as that especial---
Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890
Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
Q How long? A Perhaps 4 or 5 months
Q In what county is Neosho Falls? A In Woodson County
Q Have you ever resided in any other County than Woodson County, Kansas? A Yes sir
Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Eureka, Greenwood County.

Q Did you keep hotel in all these places? A Well in Cherryvale and Eureka, but in Galena I ran a restaurant there.
Q You said a moment ago Galena, Coffey County, you don't mean that do you? A No sir, I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I knew them I came to think of it.
Q You say at one time that Jim Landrum lived on your brother's place? A No sir, I didn't say so,
Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father with his family lived on his place when he first came there.
Q You say when you first knew Jim he wasn't married? A No sir
Q He didn't have any family or wife that you knew of at that time?
A No sir he was just visiting his relatives.
Q You said awhile ago he was mingling or visiting around there, how long did he continue to do that way? A I don't know anything much about him at that time.
Q At that time he didn't have any permanent place of abode? A No sir.
Q Did you know a man by the name of Asa Saferite? A Yes sir.
Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at LeRoy, and runned a mill in Coffey County.
Q Did he come over into Woodson? A Yes sir
Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls
Q Isn't it a fact that the old lady Landrum lived on his place?
A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
Q Did you know Dr. John Jones? A Yes sir I used to and knew him yet.
Q Does he live there yet? A No sir,
Q Where does he reside now? A He is in California somewhere
Q As a matter of fact wasn't this little shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
Q You don't know about that? A I told you before I don't know about the title.
Q Do you know who the title was in? A I understood it was his.
Q Who's? A Landrum's.
Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir, I understood it was Landrum's.
Q Did you ever see the title to it? A No sir
Q What is the personal knowledge that you are speaking from?
A From general information as a man would naturally gather.
Q That is you saw it? A No sir, I never examined the records.
Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

Q You had a conference with the Chautauqua Attorneys have you?
A Why only with Mr. Hayes.
Q After you came here? A Well I met them and were introduced to them.
Q You talked this matter over with them and other witnesses in the case? A I had some little conversation.
Q And Mr. Learned and other witnesses talked this matter over?
A I don't remember the gentlemen's names, Mr. Hastings and Mr Davenport.
Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
Q At the time you say you first saw Jim Landrum you was only a boy? A I didn't say I was only a boy, but I wasn't very old.
Q Not over 17 or 18? A About 16.
Q Were you married at that time? A No sir.
Q Have you since married? A Yes sir.
Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it, I rent it out, I am a farmer, if anything.
Q What did you say this old lady Landrum's name was? A I understood it was Charity.
Q You say she had a son named what? A I understood these were her children, one named July and one Sam
Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember seeing him a good many times, and I have reason to remember him very distinctly.
Q Do you know whether that family of Landrum's were any kin to Jim?
A All I know is that I understood they were related.
Q You don't know sir? A Don't know, I haven't looked up the family record.
Q How long did you remain in Woodson County after 1866? A That has been my home since I came to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893, I have been there.
Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
Q You mean that in Woodson County? A Yes sir, Neosho Falls, I have always been in touch, I always took the paper.
Q From 1893 until a year ago, you didn't reside in Woodson?
A I didn't reside there.
Q Then you left in 1893 and lived in different places? A Now in the meantime during that spell I was back a year, I came back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
Q You went away in 1893 came back and stayed a year and then was away in 1901, and came back last year? A Yes sir.

BY MR. DAVENPORT:
Q Do you mean you went away in 1893? A I went to Cherryvale in 1893
Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I get mixed up. I went away to Cherryville in 1897, and I was away about three years and I was back then in 1901.

Q Then when you stated 1866 a moment ago you didn't mean 1867
A No sir, I mean I 1867, I was away about six years all told.

BY MR. BLEN:
Q What hotel did you keep in Chartyville? A I rented that was called the Logan house, near the Memphis Depot at that time.
Q What hotel did you run in Muscogee? A That was called the Fourth Avenue, right north of the public square opposite the court house.
Q Then you went from there to what place? A From there home, back to Neosho Falls.
Q Did you only run the two hotels? A I was at Galena awhile.
Q What restaurant did you run at Galena? A I rented the Silver Moon, I wasn't there very long, about four months I believe.
Q Do you say you were some place in Crawford county, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:

Q You say you first got acquainted with the applicant here, Jim Lanstrum, in the fall of 1866? A That is when I knew of him, I stated I believe I might have known him in the fall of 1866, but to make positive I knew him in the fall of 1866 and 1867.
Q How far was he stopping from where you were staying? A As I said I hardly knew where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.
Q How often did you see him from the fall of 1866 up during the winter of 1867? A I couldn't tell you how often.
Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.
Q When was he married? A I didn't state, I understood he was married about 1866.
Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.
Q You didn't know his wife prior to her marriage to him? A No sir
Q Have you known this applicant continuously here until he removed away some 7 or 8 years ago? A Yes sir.
Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.
Q You never heard of him coming away or moving off? A No sir, never did.
Q Did you know of his ever being considered a citizen up there? A Yes sir, he voted at Neosho Falls up there.
Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.
Q Did you ever talk with him anything relative to his being absent from the state of Kansas, ever hear him say anything about that? A Never did.

BY MR. BLEN:
Q Were you at his wedding? A No sir.
Q Then you don't know anything about when he married only by hearsay? A As I said I understood he married about 1866.
Q That is hearsay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

Q You don't know who he married? A Didn't know her no sir
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers locations at different times.
Q You saw him deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the polls and vote.
Q You just said a moment ago you have seen him at divers times, now as a matter of fact , you never saw him deposit his vote?
Q No sir, I would not say that as I saw him hand his vote.

MR BLUE: I object to this mere hearsay testimony and ask to have it stricken out.

COMMISSION: Objection noted.

Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him, if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he came to the territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1858
Q Do you know that personally? A That is I tell you I was away I went away in 1857 and he went after I did.
Q Then you were not there when he left? A No sir, I was there, he wasn't there when I came back.
Q That is about the information you have about it? A That is all the information I have got , as I have.

C. W. LEARNED, being first duly sworn, testified as follows;

BY MR. DAVENPORT:

Q What is your name? A C. W. Learned.

MR. BLUE: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the protest and motion for re-opening.

Q What is your age? A 49

Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas?
A Ever since 1857
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him?
A 1860 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first came there, he was just married.
Q Do you remember his wife's name? A Margaret.

Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 16 years I think.
Q Did they have any children? A Not when they first came.
Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir
Q Do you know about how many? A No not that I know of as how many.
Q Name them as near as you can in rotation of their ages, the eldest ones first? A Her name is Alice, they called her Babe.
Q Do you remember the next eldest? A There is one named Ed a boy, one named Frances, she was named after my mother.
Q You say Frances was named for your mother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
Q What was you said about seeing them in the hall? A Yes sir, I saw them in the hall awhile ago.
Q They are present here to-day? A I saw three of them here awhile ago, Alice, Sis and Lit.
Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here (indicating the applicant, Jim Landrum).
Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir, I think they were.
Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
Q Since you got acquainted with Jim Landrum and his wife in 1868 have you resided in or near Neosho Falls, Kansas? A All the time yes sir.
Q What business during that time have you been engaged in, if any?
A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
Q Did you see them after they moved to town? A Yes sir
Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two differ nt parts, in the north part awhile and then in the east part down at what is called Simmon Grove.

BY MR. BLUE:
Q You say you live in Neosho Falls? A Yes sir.
Q And have resided there how long? A Since 1857
Q Were you there when President Hayes visited Neosho Falls?
A Yes sir.
Q Were you there when Governor St. John introduced him? A Yes sir
Q Do you know my old friend, Governor Finney? A I guess so have known him ever since I have been there, I think I heard you speak at Yates Center.

Q You have testified to some matters here, were you present at the birth of any of these children? A No sir.
Q About what year was it when you first knew Jim Landrum?
A About 1889.
Q You didn't know him prior to that time? A I couldn't say, no sir.
Q Was he a married man when you first became acquainted with him?
A Yes sir, he came to our house to work.
Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
Q Did he live in a cabin or a little shanty on the land there?
A Yes sir.
Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A No sir, I went to school with some of them.
Q Did you have mixed schools up there in your district? A Yes sir.
Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
Q How old were you then? A About 12 years old.
Q You were a mere boy? A Yes sir.
Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
Q When did you say Jim left your father's place? A I said he was there about 12 years.
Q On your father's place? A Yes sir.
Q And then moved to town? A Yes sir.
Q Were you living in town when he moved to town? A I aint sure whether I was living in town or in the country then.
Q You say you are merchandising now? A Yes sir, I have been for about four years.
Q In Neosho Falls? A Yes sir.
Q Prior to that time you have been a farmer? A Farming and buying cattle.
Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1901
Q Are you acquainted over at Yates Center? A Yes sir.
Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
Q Do you know Mr. Waymere over there? A Yes sir, he is a druggist.
Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here?
A When do you mean, this time.
Q Have you been here before? A Yes sir
Q When were you in the Territory before? A I was down here in 1902.
Q For what purpose were you here then? A For the same purpose I am here now, for now.
Q To testify for the Cherokee Nation in these applications?
A The same as I am now.
Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
Q How many cases have you testified to at different times on behalf of the Cherokee Nation? This is the second.
Q What were the other case? A The same thing.

Q. Do you mean by that that this is the second time you have testified in this one case? A This Landrum case, yes.
Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
Q When was your attention first called to the testimony that you could give in the Landrum application? A I don't know when it was when Mr. Keys was there but sometime in 1902.
Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
Q Where was it, at Muskogee? A Here yes sir in Muskogee.
Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
Q Have you conversed with the Cherokee Attorneys since you came here this time? A No.
Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
A I think they were talking some in here, Keys talked to me up there.
Q Keys talked to you about the matter in Kansas? A Yes sir.
Q Did you have more than one conversation with him about it? A I think we talked several times about it.
Q Did you see him more than once up there? A I saw him twice, this time and the other time.
Q Then you saw him in 1902 and recently did you? A Yes sir.
Q Each of these times you talked the matter over with Judge Keys, did you? A Yes sir.
Q What compensation do you expect to receive as a witness in this case? A I suppose that is left with them.
Q Have you been subpoened here as a witness? A Yes sir.
Q Do you expect any other compensation that you expect to receive for your mileage and your transportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:
Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:
Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neosho Falls at that time? A Yes sir out district school and city schools are all mixed.
Q You were going to the District school at that time? A Yes sir.
Q Do you recall any especial instance that you positively know that you met Jim Landrum? A Yes sir, on account of a man named Booth Hanks, that got into trouble.
Q Who was it that he got into touble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
Q Who didhe have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
Q Do you know whether Jim was a witness in the case? A I do not.
Q Have you examined the Court record to know whether that was in 1868? A Yes sir.
Mr. Blue: I object, the record is the best evidence.
Commission: Objection noted.
Q Did you know him before that time? A I might have known him but I recollect that on account of thattrouble

BY MR. BLUE:

Q Were you by chance where this conversation took place between Mr and Booth Hanks? A Yes sir, I was present there with them.
Q You spoke of somebody getting into trouble about getting into the store, who was that? A That was Hanks.
Q How was that with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.
Q Was Hanks a white or colored man? A A white man.
Q What year did you say that was? A In 1868 I believe.
Q Do you know what month in 1868? A I think it was the last of August or the middle of September.
Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?
A It wasn't very long, I don't know exactly.
Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.
Q Did Jack Landrum also live on your father's place? A It wasmy father's brother's place.
Q Well it wasn't your father's place? A Not where Jack lived.
Q How close was it to your father's place? A Joined the line.
Q What was going on over there amongst the colored folks? A They were having a meeting.
Q A religious meeting? A I think so.
Q And this man Booth tried to disturb it? A Yes sir.
Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.
Q Do you know whether there was a minister there or not? A No I don't.
Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.
Q They were having preaching over there at that time? A Yes sir.
Q Was there a meeting house there? A No sir, it was out in the weeds.
Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.
Q Can't call the names of any of them? A No sir.
Q You don't pretend to say Mr. Learned that Booth Hanks was arrested for disturbing their worship? A No sir.
Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.
Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. A. Lynn.
Q What is your post office? A Neosho Falls, Kansas
Q Your age? A 54 last september.

MR BLUE: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness on the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said motion and protest, and the applicant has had no notice of the presentation of this witness upon this application.

MR. DAVIS (CN): The representatives of the Cherokee Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The nation expects to prove by a daughter of Annie Rearden and by a number of other witnesses whose names are not now remembered, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1907, but at that time resided in the State of Kansas, where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, yet in force by the United States Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your action.

MR. MAUK: The Attorney for the applicant objects further for the reason that the paragraph in said protest and notice is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

COMMISSION: Objection noted.

Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.

Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.

Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.

Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.

Q How many years was it after the war, or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him-----

Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.

Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.

Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.

Q Did he continue to live on the Learned farm all this time? A

A No sir.

Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't say just what year he moved away from there.

Q Can you say, he lived there one year or six months after you got acquainted with him? A He lived there several years.

Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.

Q Do you remember the names of any of them? A I remember the names of three.

Q What were they? A Alice, commonly called Babe, Ed and Frances

Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
Q When did you see him first since then? A Last night.
Q Have you seen him since last night? A Yes sir.
Q Where? A Here in the room.
Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognize since I have seen the children to know them, I was only better acquainted with Ed.
Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer, I lived on Williams and he lived on Homer Learned's farm? He lived on the southwest bank of the lake and I lived on the north bank.
Q How often would you see them during the time you lived on the Learned farm? A I don't know that is a hard question to tell how often I saw them.
Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
Q You think he moved away from Neosho Falls, Kansas about what year or how long ago? A About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. BLUX:
Q What is your business? A Farmer.
Q You spoke of having taught school? A Yes sir, I taught school eight months one summer.
Q You came, you say to Woodson County in 18[illegible]4? A Yes sir.
Q Have you resided there ever since? A Yes sir, my home has been in that same school district ever since.
Q That same school District, do you mean by that the School District in which you taught? A No sir.
Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
Q What remuneration do you expect for testifying here, if any?
A Nothing more than my mileage and fees.
Q Who has talked with you with reference to Jim Landrum up there?
A Mr. Learned is the first one.
Q You and Mr. Learned talked it over some did you? A Yes sir
Q Have you talked it over with Mr. Learned since you came here?
A Yes sir, as we came down.
Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
Q You know Mr. Hastings, the gentleman there behind you?
A Yes sir.

Q How long Mr. Davenport? A I met him here.
Q You know Judge Hays? A Yes sir.
Q He came up at your request? A Yes sir.
Q You know Judge Hays and Mr. Hastings? A Yes sir.
Q Was this matter ever suggested to you, to what you would testify in this case by Judge Hays? A He asked me about the case of course.
Q When was that the first time? A Day before yesterday.
Q Did you ever see him before that time? A Not to my knowledge.
Q When you talked the matter over with him up in Woodson County? A Yes sir.
Q And you and Mr. Learned have conversed it over since that time? A Yes sir.
Q You say you recognized Jim Landrum here this morning? A Yes sir.
Q He is the same man you think you saw up in Kansas? A Yes sir
Q You say you didn't know much about his children, do you remember the name of his oldest? A I think it was Jabe as far as I know or Alice.
Q You say you knew Ed? A Yes sir.
Q Did you know any of the rest of them? A That as a person would know his neighbor's children, Ed, I have worked with him.
Q Had it been sometime ago since you saw any of them? A Yes sir quite a while, I think it has been 16 or 18 years since I saw him.
Q How old were you in 1864? A I was 14 years old, I was born in 1850.
Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer and part of the next winter.
Q Then you knew Ed while you lived on that farm, I mean Jim? A Yes sir, I knew him.
Q After he moved to town you didn't know so much about him? A But I saw him frequently.
Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
Q That is what I mean? A Yes sir.

BY THE COMMISSION:
Q Can you give the Commission an idea as to how long it was after you went to Kansas until you got acquainted with Jim Landrum?
A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
Q When did you go on the Learned farm? A I went on the Learned place in November of 1872, I was acquainted with him long before that, but I couldn't say how long.
Q Several years? A Yes sir.
Q When did you teach school in Kansas? A I began in the winter of 1872.
Q Did you know him at that time? A Yes sir, knew him before that.
Q Where were you living in 1872? A My home was on the , right there on Section 27.
Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
Q You knew him continuously then up until he left Kansas? A Yes sir.

[illegible] testified for further cross-examination, testified as follows:

BY MR. [illegible]:

Q Mr. Deere have you ever testified in any hearing of these applicants for enrollment in the Cherokee Nation?
A No sir.
Q Have you ever been a witness in any of them?
A No sir.
Q Have you ever been in the Territory before?
A Yes sir, about three years ago.
Q Were in here before for the Cherokee Nation?
A No sir, I was really afraid to come down here, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)?
A I think that is part of Lawrence's family.
Q Which one?
A I never knew their name, I don't suppose I would if they had lived in Bessie Dodge up in town.
Q Would you swear that they are this family?
A I don't know whether it is or not.
Q You don't know anything about them, only whether it is or not?
A I didn't pay great there.

BY MR. HASTINGS:
Q You are ready to recognize Jim Landrum there?
A Yes sir

BY MR. [illegible]:
Q Do you know this young man here (indicating)?
A I don't know as I do.

CHEROKEE NATION RESTS.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows: witness being sworn by Wm. O. Neall, Notary Public.

BY THE COMMISSION:
Q What is your name?
A Charles Lynch.

BY MR. HASTINGS:
Q Have you ever been convicted of anything?
A Yes sir.
Q What?
A Railroad robbery, Fort Smith, Arkansas.
Q Convicted in the United States Court there?
A Yes sir.
Q When?
A In 1887.
Q In 1887?
A I think it was.
Q Were you convicted in Judge Parker's Court?
A Yes sir.
Q Robbing a railroad?
A Yes sir.
Q That is what you were convicted for?
A Yes sir.

MR. HASTINGS: Comes now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

COMMISSION: Objection noted.

MR. HUGG: The record is the best evidence of the affidavit which this party has prepared, if charged, and of his qualification if there not any.

MR. PATTERSON: In answer to the above message of Attorney for Applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness qualified himself by his own mind that he was qualified, and to be the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if it were the rule that the record would have to be gone in such case, then no witness would ever be disqualified from testifying, because it would be impossible for attorneys representing the Dawes with to go around all over the United States the record of the qualification of every person in their pocket ready to be drawn out on that party ready to take the stand.

COMMISSION: Objection noted/.

BY MR. HUGG:

Were you paroled? A No sir.
Do you know the applicant, Jim Landrum? A I do.
How long have you known him? A I have known him since '67.
Where did you first see him, do you recollect? A On Grand River.
Is the Cherokee Nation? A Yes sir.
About where on Grand River, if you remember? A It was on the south side of Grand River, in Saline District.
Was he married at that time, if you remember? A I don't really know whether he was or not.
Do you know his wife? A I do, yes sir.
Are you acquainted with his family? A Yes sir.
About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
Do you know the names of any of his children? A Yes sir I know the names.
You may give the names as far as you can call them? A The eldest one is Ed Landrum, Alice Landrum, Nellie Landrum, and they named Johnnie
Do you recall any other? A There are quite a number of little ones, I disremember all their names.
Where has Jim Landrum and his family resided since you first became acquainted with him, if you know? A Part of the time when I first knew him on Grand River with his father, helped him make his singe down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the last time I saw him his wife was with him, one of them of the children, and went back again away from there, I don't know about it or it must have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he went back and forth he better known himself, I don't know.
Was he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

Q After he returned to Vinita as you stated, did he remain there continuously from that time until he? A Yes sir.
Q How about his wife and children, were they there also during that time? A Yes sir.

BY MR. DAVENPORT:
Q How old are you Charley? A 64 3rd day of last January.
Q You saw Jim Landrum you say in the Cherokee Nation in 1867?
A Yes sir.
Q How old were you then? A I was just a boy
Q Well how old were you? A I was about 6 or 7 years old
Q What makes you remember that it was in 1867? A Well what makes me remember was is at that day and time there wasn't very many people around there and when one came around there and was made acquainted he seeing backwards and forwards a person would not forget them.
Q Had you known Jim Landrum before the war? A No sir.
Q Then you were not very well acquainted with him? A Not until he come there that time.
Q Did he stay at your house where you were living at that time,
A About a half mile from there.
Q You have never testified in this case before have you Charley?
A No sir.
Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1867? A I didn't say cause I don't know.
Q Who were you living with at that time? A My dadd and Mamma.
Q What was your father's name? A Simon Lynch
Q And you remember at the age of about 7 years of seeing man the came to your father's house 37 years ago do you? A I suppose so if it was that number of years, haven't counted it to see how long it is.
Q Jim Landrum has been living there in Vinita for a number of years?
A Yes sir.
Q And has been having this contest as to his citizenship? A What contest.
Q Ever since he has been in Vinita his citizenship has been pending?
A I don't know.
Q You have lived there near him ever since he came there in 1897?
A I don't know.
Q He wasn't living in Vinita when the Kern-Clifton roll was being made in 1896? A I don't know.
Q You were living there were you not? A Yes sir living there longer than that.
Q Don't you know he wasn't living in Vinita in 1898 and 1896?
A I don't know anything about that.
Q Don't you know when the testimony in freedmen cases was taken Jim Landrum wasn't there? A I don't know.
Q Can you tell me within three years of what time Jim Landrum moved from Geesho Falls, Kansas, to Vinita? A I don't know.
Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1867? A Yes sir.
Q Well who was it whose family wasn't living there that you say?
A That his family were not living there?
Q Yes, a man you come to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

Q Tell us another time that you remember that lived in that neighborhood the two children of John Landrum a note in 1897? A I [illegible]

Q Was Jim Landrum's father? A George Landrum.

A You mean George living and passed after in Saline District in 1897? A Yes sir.

Q What part of the year of 1897 was George Landrum living in Saline District on Grand River? A In the fall of '97.

Q It was in the fall of 1897 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you stated? A Yes sir

Q How long had you been living there over where you saw him?

A 12th day of March, 1896, is when my ma her moved there.

Q Do you remember did? A I do.

Q You had been to Vinita to see you? A No sir.

Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1897? A No sir.

Q What do you mean by no sir, whether he was or wasn't? A I am not positive of his being there but he hadn't made his farm before that.

Q Had you saw him in the Cherokee nation before the fall of 1897? A No sir.

Q You say he went away from there and was gone how long? A I didn't say cause I don't know.

Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.

Q Did you ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita?

A No I never knowed them to move.

Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life

Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.

Q When was that? A That was sometime after 1897.

Q It was sometime between 1897 and February 2, 1905? A Yes sir

Q Ed is not living in the Cherokee nation now, is he Charley?

A Not that I know of.

Q Did he ever live here? A Only as I saw him with his mother, when they came over and stayed awhile.

Q When was the last time you ever saw him in the Cherokee Nation?

A It has been about a year I reckon.

Q How long in 1902 when he came down here and made his application? A I saw him 9 or 10 months ago.

Q Are you any relation to Jim Landrum? A No sir.

Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.

Q You didn't come down here as a witness in this case? A Yes sir I did.

Q What did they know about what you were going to testify to?

A I never saw his attorney.

Q Do you know anything about Jim Landrum and his family living at Neosho falls, Kansas, for years? A I don't know anything about it, so didn't tell you.

Q When did you first see Alice up there? A Long time ago.

Q When did she first move to the Cherokee nation to live?

A I saw her when she was a minor with her father and mother.

Q The ones lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson.
Q Tell me one that is not dead, if you have, can you tell me one that is living now that lived over there then? A Yes sir.
Q Who is it? A Andy Bryce.
Q Can you tell me a freedman or, white man that lived in that country at that time, who is now living? A I tell you who lived over there, that Range boy.
Q Did they have a name? A Gee and Hate.
Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along then times there wasn't any mail.
Q You mean there were no letters in 1867? A Not around us, no place to get any.
Q Didn't you have no places or one you post to town? A Had a country store out there owned by Johnson Thompson's.
Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I know of.
Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
Q Was Johnson Thompson living on Grand River where he afterwards or something after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
Q Would you not remember as much about a store being run in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
Q Jim Landrum came to Vinita in that year Charley? A I couldn't tell you.
Q Do you know where he came from when he moved his family to Vinita?
A No sir, I don't.
Q You hadn't seen him for years? A No sir, several years.
Q And to your knowledge he had never kept house in the Cherokee Nation until he moved his family to the Cherokee Nation? A Only with his father.
Q He wasn't keeping house with his father? A He stayed there off and on.
Q How much was he off and how much was he on? A I couldn't answer that question.
Q Did he make a crop with his father in 1867? A No sir.
Q Did your father make a crop in 1867? A Yes sir.
Q What farm did he live on at that time? A Same one he lives on today.
Q What was it known then? A He made it.
Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY THE COMMISSIONER:
Q You say you were 64 years of age the second day of last January?
A Yes sir.
Q Then you were born in January, 1841? A That is correct.
Q At the time when that you saw this applicant you were six years of age? A About, yes sir.
Q Did you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A Yes sir.
Q Had you ever been to school before that time? A No sir.
Q Never had? A No sir.
Q He lived about a half mile, stepped there from where you lived?
A Yes sir.
Q And you a boy 6 years of age remember of seeing him? A I do
Q How long do you think he remained in that neighborhood after you saw him in the fall of 1847? A The best of my memory he remained there the best part of the summer.
Q Then how many years elapsed before you saw him again? A Several years, I don't know.
Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
Q 7 or 8? A Something less than that.
Q 5 or 6? A I would not say positive.
Q Was it as much as 5 years? A No It wasn't as much as 5 years.
Q About three years? A Something like that.
Q Then is when he came back with his wife? A Yes sir.
Q How many children did he have? A He had three if I remember
Q How large was the oldest one? A Just small children, they wasn't very big.
Q Was the oldest one 3 or 4 years old? A May have been I don't remember.
Q They had three children? A Yes sir.
Q They were not triplets, they were not all the same age? A No, no big and little and down to that Albee one.
Q Then when do you think you saw him again? A I didn't say, I don't know.
Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
Q When did you next see him? A I saw him down there.
Q Same down there some place to that neighborhood? A Yes sir.
Q He never lived down in that neighborhood? A Not only for a time
Q He was there for a short while or some months? A Yes sir
Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew of him keeping house with his family?
A Not outside of where I stated.
Q At Vinita? A Yes sir.

CLORA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. ELUM:
Q What is your name? A Clora Foreman.
Q Where do you reside? A Vinita.
Q How long have you lived at Vinita? A I have lived at Vinita about 20 years.
Q Do you know Jim Landrum the applicant in this proceeding?
A Yes sir.
Q How long have you known him? A Known him all my life
Q What relation are you to him? A He is my brother.

Q Where were you about 1867? A Fort Gibson.
Q How long have you resided at Fort Gibson, or how long did you reside at Fort Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know, how many years I did live there.
Q When did you go to Vinita? A It has been about 20 years ago
Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he came and stayed with me down to Fort Gibson
Q Are you able to state about what time in the year 1867 you saw him at Fort Gibson? A It was in the spring, I couldn't tell just what day and what month but I think it was along about July, him and my husband was making hay together.
Q What was your husband's name? A Lester Foreman.
Q Where were they making hay together? A Near Fort Gibson, out there for the Government I think as near as I can remember.
Q How long did Jim Landrum remain there about Fort Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4, months down there.
Q Do you know where he went to after that? A He left there, said he was going to Grand River.
Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
Q Do you know where his father resided at that time? A Yes sir.
Q About where was it? A It was at the Island Ford on Grand River..
Q How after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
Q Are you able to state when you moved to Vinita? A Yes sir
Q If you remember when you came to Vinita to live please state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down
Q Have you been residing in Vinita ever since that? A Yes sir
Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him ever once in a while.
Q Can you give it any more definite than that once in a while?
A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
Q When he came down to Fort Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir, he was married.
Q Was his wife along with him? A No sir.
Q Do you know his wife? A Yes sir, I know her now.
Q Did you know her at that time? A No sir.

Q Do you know his family Mrs. Davenport? A Yes sir.
Q Do you know all their children? A I know them now, I didn't know them until I moved up to Vinita.
Q Are you able to give the names of all of them now?
A There are so many I don't know whether I could or not.
Q Did you know them all when you saw them? A Yes sir, I know all the oldest ones names.
Q During the time, from the date of your location at Vinita until now have you known his wife? A Yes sir.
Q How often have you seen her since you went to Vinita until now?
Q Right now I see her most every day cause we live close together, but before that I wouldn't see her only every once in a while, about a year during the time she had her children schooling them in Kansas, and she would only come back along about in the fall for vacation, she would come back down on the river.
Q How long, if you can recollect has Jim Landrum lived at Vinita ?
A He hasn't lived there but about 5 or 6 years since he lived at Vinita since the payment.
Q What payment do you refer to? A The strip payment
Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
Q Do you remember whether or not he resided at vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm out there close to my father's place.
Q Were you ever out at your father's place on Grand River? A
A Yes sir.
Q There more than once? A Yes sir.
Q About how often did you go out to your father's place? A Not very often, once in a while, about a year or two apart.
Q Did your father have that place on Grand River when jim came down to Fort Gibson to help put up hay? A Yes sir.
Q Had you been there before that time? A No sir.
Q Were you there seen after that time? A Yes sir, very seen.
Q Do you know whether or not that place is still maintained there
A Yes sir.

BY MR DAVENPORT:
Q You say that Jim's wife had the children up in Kansas at school?
A Yes sir once I have been to vinita she has.
Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
Q I will ask you if Ed wasn't born in Kansas? A Yes sir.
Q If Frances wasn't born in Kansas? A I just tell you like I said
Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
Q Were they living in the Cherokee Nation when Hattie was born?
A I don't know whether they were or not.
Q Was Johnnie born in Kansas? A I don't know.
Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
Q At what place did he have all these children that I named living with him on Grand River? A At Uncle Jeff Lyon's his wife's father.

Q? Then was it he was living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Ratie, Nellie and Johnnie? A I don't know whether they were living there or not, they were out there, I couldnt say that they were living there.
Q You have told me that he at one time lived out there with these children, now I want to know what year that was if he lived out there with these children? A I couldn't tell you what year it was, but it was after the Wallace payment.
Q How long after the Wallace payment? A I don't know sir how long they lived out there.
Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.
Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir
Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.
Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A N Yes sir, I was living there
Q Don't you know he moved direct to Vinita from Neosho Falls?
A They were going to school up there?
Q The older children had gone to school quite a long time if they had gone to school all the time they stayed in Kansas did they not? A Yes sir, I guess so.
Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.
Q Do you know anything about where they were living? A No sir
Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.
Q Never did visit them while they were up there? A No sir.
Q They were not living in Vinita when you went to Vinita? A No sir
Q They were not living on Grand River when you went to Vinita,?
Q No sir, they were not there then , he was there but the family was up in Kansas.
Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.
Q Did you ever visit the family when they lived on grand River before you moved to Vinita? A No sir.
Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.
Q That is hereany? A Yes sir.

BY MR. BLUE:
Q Were you present at the birth of any of the older children ?
A No sir.
Q Did you ever visit his people while they were in Kansas sending the children to school? A No sir, I never did visit them at all, until they lived at Vinita.
Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I dont.

BY MR. RAYMOND:

Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Lester make that hay? A No sir, I never knew of him.

Q Was your brother? A Yes sir.

Q They stayed in Kansas from about 1867 up until 1897 sending their children to school, is that a fact? A I don't know sir.

Q You spoke about them going up there to send them to school?

A Yes sir.

Q And the older children went to school about 30 years, is that a fact? A I couldn't tell you how long they went to school.

Q They were up there raising them to wasn't they? A I guess they were.

Q But when they went there there was a number of the children in existence were they? A There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.

Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir, I guess they had children.

Q Did Jim Landrum have any children by his wife living in 1867 when you say he came down there and helped Lester put up hay?

A Yes sir.

Q What was its name? A Ed and Alice.

Q He had two children then? A Yes sir.

Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.

Q How big were they in 1867? A I don't know.

Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir, Alice was I know.

Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867?

A I don't know .

Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.

Q You didn't see the children? A No sir, I didn't see the children at all.

Q The children were not born before the war? A No sir.

Q They were not married before the war? A No sir.

Q The war closed in 1865 didn't it or do you remember what year?

A Yes sir.

Q Were they married before the war closed, Jim and his wife? A

A Yes sir they were married just after the war closed.

Q That would have been in 1865, don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn't say they were sending them to school then.

Q Did n't you tell me a moment ago that they went back there to send those children to school? A I said Jim said his wife was sending the children to school in Kansas.

Q She wasn't down here? A No sir.

Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.

Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.

Q And didn't you say they went back to Kansas to send his children to school? A Yes sir.

Q And you also said that Jim said his wife was up there educating his children? A Yes sir.

BY MR. [illegible]:
Q Was Jim's wife with him when he came down there to put up hay
A No sir.
Q When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's.
Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.
Q Do you know anything about their sending these children to school in Kansas you self? A No sir.
Q All you know is what your brother Jim said? A Yes sir.
Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.
Q Do you know where he was married? A No sir I don't know myself
Q You were not at his wedding? A No sir.
Q You don't know anything about that except what you heard?
A No sir, he was married after I left up there
Q Left up where? A Kansas, he married at the while after I left
Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.
Q You don't remember about when that was? A No sir, I don'tm know what year it was.
Q Now what do you mean when peace was declared? A When they said we could go home, the war was over.
Q Do you know when the fighting ceased in the Nation ? A Yes sir
Q Do you remember what year it was? A In 1865 I suppose
Q 1865 when they ceased fighting down here? A Yes sir
Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.
Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.
Q And all you have said about the children going to school up there is what you heard? A yes sir.

BY MR. DAVENPORT:
Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir, I went up there in time of the war
Q Then you came back from Neosho Falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:
Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.
Q You understood from him that his wife was up in Kansas?
A Yes sir.
Q Did you understand from him at that time that he had some children? A Yes sir, I believe he said he had two.
Q Did he name them? A Yes sir.
Q What did he say their names were? A Alice and [illegible]d.

Q Would they write to you while they were up in Kansas?
A No sir, didn't know that writing was there.
Q You say you never went up to visit them? A No sir.

BY MR. WARE:
Q All you know about his being married is what he told you?
A Yes sir, that is all I know about it.

CASE CLOSED.

George N. Leasley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(SIGNED) GEORGE N. LEASLEY

Subscribed and sworn to before me this 9th day of February, 1906

(SIGNED) CHARLES M. SAWYER
Notary Public.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 15th day of February, 1906

J B Humphrey
Notary Public.

FILED

MAY 5 - 1905

COMMISSION TO FIVE TRIBES.

Cherokee Freedman No. 991.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 6, 1905.

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In the matter of the application for the enrollment of Laura Lynch et al. as Cherokee Freedmen.

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Cherokee Nation represented by J. S. Davenport.

COMMISSION.

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W. B. Lynch, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. W. B. Lynch.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. You are also part Freedman? A. Yes sir.
Q. How old are you? A. I am 34 the 9th. of August.
Q. What is your post office address? A. Vinita.
Q. Have you always lived in the Cherokee Nation? A. Yes sir.
Q. Do you know one, Alice Lynch? A. Yes sir.
Q. She is a Freedman? A. Yes sir.
Q. How long have you known her? A. 25 years, I reckon.
Q. Were you ever married to Alice Lynch? A. Yes sir.
Q. When were you married? A. September 27, 1890 I think.
Q. Are you divorced from her? A. No sir.
Q. How long did you and she live together as husband and wife? A. Well, we have lived together all the time with the exception of a few years.
Q. Do you know her child, Laura? A. Yes sir.
Q. How old is that child? A. I think Laura is 12 years old --- maybe 13.
Q. That is your best recollection? A. Yes sir.
Q. She was born then in 1893? A. She was born in 1892 or 3.
Q. Isn't she a little older than that? A. Maybe it was 1891.
Q. Was she born before or after you were married to Alice? A. After.
Q. How long after? A. A year or two.
Q. Who is the father of that child? A. You will have to ask her mother about that.
Q. When this child was born you and Alice were man and wife? A. Yes sir.
Q. She was born in lawful wedlock? A. Yes sir.
Q. You made application yourself some time ago, didn't you? A. Yes sir.
Q. Didn't you at that time testify that you had only one child, and that child was dead? A. No sir, I didn't. I testified at that time that I had one living, and its mother was a Cherokee Freedman, and the Commission suggested that she should enroll this child. They asked me if she wouldn't appear and

enroll her, and I said yes, and among themselves they discussed it and decided that she should not enroll.

Q. At the time you enrolled for yourself where was this child living? A. At Vinita.

Q. With you? A. Yes sir.

Q. Were you living with Alice at that time? A. Yes sir. I have lived with Alice in Vinita regularly since 1896.

Q. Are you living together now? A. Yes sir.

Q. As husband and wife? A. Yes sir.

Q. You appeared before the Commission on September 20, 1900, and the following testimony was taken at that time; in addition to other things you testified that your wife's name was Alice, the one you are living with now, and that her maiden name was Landrum, a freedman. You then mentioned a child called Solem. When you appeared at that time did you intent to apply for this child, Laura? A. Yes sir.

Q. How do you account for the fact that Laura was not put on the card along with you? A. I don't know, only what the attorneys, or Commissioners, said then. These men there in Tahlequah, at the time I made the application, discussed the matter among themselves, and said that her mother was entitled to enroll her. I am enrolled as a Cherokee by blood.

Q. And they decided that the child should follow the mother? A. Yes sir.

MR. DAVENPORT:

Q. After you and Alice married how long did you live with Alice until you married Kate? A. About three years I guess.

Q. Was this child, Laura, born before you and Kate began living together as man and wife? A. Yes sir.

Q. Your wife, Alice, was the daughter of whom? A. Jim Landrum.

Q. And you and she were married in September, 1890? A. Yes sir.

Q. When were you and Kate married? A. I think it was in 1894 or 1895. It was either just before or just after the Cherokee payment.

Q. How many years did you live with Kate until you went back to live with Alice? A. The fact of the business is, I never did live with Kate.

Q. You never did live with her as your wife? A. I stayed with her a month or two.

Q. What year did you go back to living with Alice? A. Alice and I went to keeping house in 1896, I believe.

Q. Can you give me any definite date as to the time you and Kate were married, or went to living together? A. We were married in April, I believe, before I applied for a divorce. I applied for a divorce in the September court.

Q. What year? A. I think it was 1897, but I am not sure.

COMMISSION:

Q. You were married to Alice in 1890, and before this child, Laura, was born? A. Yes sir.

Q. You lived together a few years, and then did you get a divorce from Alice? A. No sir.

Q. Soon after that you married Kate? A. Yes sir.

Q. Did you get married by a preacher that time? A. Yes sir.

Q. Then you and Kate lived together awhile? A. Yes sir.

Q. And then you took up with the old one? A. Yes sir.

Q. And you are living with her now? A. Yes sir.

Q. You have always recognized this child as yours? A. Yes sir.

Q. In case this child, Laura, is found to be entitled to enrollment

through you and not through her father, do you elect to have her enrolled as a citizen by blood or do you want her enrolled as a freedman? A. I don't know as that would make any material difference.

Q. But I am asking the question? A. I would want her to be enrolled the same as I am.

Q. You are positive now that this child was born after you were married? A. Yes sir, but I am not positive as to the year we were married.

Q. Alice Lynch, on June 12, 1901, filed with the Commission an affidavit showing that this child was born January 24, 1890. Do you think that is right? A. No sir, I think she was born in 1891.

Q. How soon after you were married was this child born? A. It was a year -- well, I don't know just exactly.

Q. Was it a short time after you were married? A. It was no long time nor no short time.

WITNESS EXCUSED.

The Commission, of its own motion, continues this case to May 16, 1905.

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Eula Jeanne Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 4th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanne Branson

Subscribed and sworn to before me this the 5th. day of May, 1905.

W. S. Hawkins
Notary Public.

FILED
PER
TRANSPORTATION TABLES

Cherokee Freedmen-781.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 1, 1908.

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In the matter of the application for the enrollment of Laura Lynch as a Cherokee Freedman.

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Blue & Bulger, attorneys for the applicant.

W. W. Hastings, Attorney for the Cherokee Nation.

Commission.

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Witnesses for the Cherokee Nation.

George T. Barden, being duly sworn, testified as follows:

MR. HASTINGS:

Q. What is your name? A. George T. Barden.
Q. How old are you? A. I will be 35 in October.
Q. What is your post office address? A. Neosho Falls, Kansas.
Q. Did you know James Landrum, a colored man? A. Yes sir.
Q. Do you know a daughter of his named Alice? A. Yes sir.
Q. How long have you known them? A. All my life.
Q. Where did you first know them? A. When I lived in Neosho Falls, Kansas.
Q. You have known them ever since you could remember? A. Yes sir, I used to go down to their place and play.
Q. Have you known them intimately since then? A. Yes sir, till after the freedman payment they moved to Vinita.
Q. How long ago was that? A. 8 or 9 years, I reckon.
Q. Up to within 8 or 9 years ago did they live at Neosho Falls, Kansas? A. Yes sir.
Q. Did they keep house? A. Yes sir, they lived in a little log house, and afterwards they moved within a block and a half of us
Q. How long did they live within a block and a half of you? A. 15 years, I guess.
Q. Was it after the payment that Jim and his family left there? A. Yes sir. Alice had left there before then, but was backwards and forwards.
Q. How long had it been since Alice first left up there? A. About 13 or 14 or 15 years ago.
Q. How long did she stay at that time? A. Not long -- probably 5 or 6 months.
Q. Did Alice, the daughter of Jim Landrum, have a child in Neosho Falls, Kansas? A. Yes sir, she had one.
Q. What was its name? A. I don't know what its name was.
Q. Did she have another child while you knew her? A. Yes sir, she had Laura.
Q. Had she had a child older than Laura? A. Yes sir, that is what they said. Of course, I don't know that she had it.

Q. It died when it was small? A. Yes sir. I know at the time this happened, but I was too small to go into the details.
Q. How old is Laura now? A. 14 or 15 years old.
Q. Do you know where she was born? A. Either in Iola or Neosho Falls. She used to live at Iola, and I would often go to her house, and would see Laura.
Q. Who did they say were the parents of this child, Laura?

(Mr. Blue: -- I do not think it necessary to say anything about her parentage. It seems that the mother of the child ought to know that.)

A. They said it was Taylor Newman's. I got to devilin' her and Taylor about it one day, and she told me that it was Taylor Newman's child.
Q. Who was Taylor Newman? A. He lived at Iola and used to be quite a friend of mine.
Q. Did you know this Alice a short time before this child, Laura, was born? A. Yes sir.
Q. Do you know about the time she left Iola? A. Yes sir.
Q. How far is that from Neosho Falls? A. 14 miles.
Q. Before Laura's birth had Alice ever been away from there? A. Yes sir, I think she had come to the Territory.
Q. How long before Laura was born? A. Three or four months.
Q. Previous to that time had she ever been away from Kansas? A. No sir.
Q. Had she ever been to the Territory? A. No sir.
Q. And you had known her a long time? A. Yes sir.
Q. Do you know whether or not at the time she left up there to come to the Cherokee Nation she gave evidence of going to give birth to a child? A. Yes sir, that was the public talk.

(Mr. Blue: -- I do not think public talk is evidence, and a good deal of this statement is public talk.)

A. It is a fact that she was in that condition when she left there.
Q. About how long was she gone before she returned with this child
A. I don't know -- the child was very small.
Q. And when she came back she said it was Taylor Newman's? A. Yes sir.
Q. Was it ever known as Ed Lynch's child? A. No sir, we had never heard of Ed Lynch at that time, and we never saw him for a year afterwards.
Q. Where did you see him first? A. One day I had been fishing and when I came across the bridge I saw him and Alice sitting on the bridge talking.
Q. Where was that? A. At Neosho Falls.
Q. Did Alice continue to live up there until about the time of the freedman payment? A. Yes sir.
Q. And did this child go by the name of Newman up to that time?
A. Yes sir.
Q. And she always said it was Taylor Newman's? A. Yes sir.
Q. Do you know whether or not Taylor Newman ever visited Alice?
A. Yes sir, I know he used to go with her. I was going with a friend of hers, and Taylor and I used to go to their house together. I knew he went with her. They both used to work at Gant's hotel in Iola.
Q. Did Newman work there, too? A. Yes sir.
Q. Do you know whether or not they both worked there a short time before this child was born? A. Yes sir.

MR. BLUE:

Q. Where were you born? A. At Neosho Falls, Kansas.
Q. Been there all your life? A. Most all my life.

Q. What was your father's name? A. Ephrim Berden.
Q. What was your mother's name? A. Addie Berden.
Q. What was her maiden name? A. Bell.
Q. Were your mother or father either on the Cherokee roll? A. No sir.
Q. You are not on the Cherokee roll? A. No sir.
Q. Did your father or mother ever reside in the Cherokee Nation? A. My mother did.
Q. Where did she reside? A. I don't know.
Q. Are you a physician or surgeon? A. No sir.
Q. Know anything about medicine? A. No sir.
Q. Have you such knowledge as to be able to tell whether a woman is pregnant or whether she has a tumor? A. No, I couldn't tell.
Q. You were just swearing what was the common rumor as to this woman? A. I was judging from what I knew of other people.
Q. You know nothing only what was the common rumor? A. I know what she said.
Q. Did she talk to you about it? A. Yes sir.
Q. You say she left up there and came down into the Territory? A. Yes sir.
Q. Did you see her here? A. No sir.
Q. Do you know she came? A. She said she did.
Q. Were you ever in the Territory till she came? A. No sir.
Q. Were you ever in the Territory till now? A. Yes sir.
Q. Where? A. Near Lenapah.
Q. How long were you there? A. 5 years.
Q. Who did you know? A. I farmed on George Vann's place.
Q. How old is Alice? A. About 38 or 39.
Q. Is she older or younger than you? A. She is elder than I.
Q. About how old was she when she first left home and said she was coming to the Territory? A. I suppose she was 18 or 19.
Q. You didn't come with her to the Territory? A. No sir.
Q. All you know about her coming to the Territory is what you heard A. What she said herself.
Q. You say she and this man Newman worked at the same hotel in Iola? A. Yes sir.
Q. When did she first go to Iola? A. I couldn't say positively when she first went there.
Q. Did she continue to stay at Iola after she went there? A. Till she come to the Territory, and when she come back Laura was born.
Q. Laura wasn't born in Kansas? A. No sir.
Q. You spoke of a child that you said she gave birth to prior to the birth of Laura? A. Yes sir, I just heard it.
Q. You don't know it? A. No sir.
Q. You don't know anything about the birth place of Laura, only what you heard? A. No sir.
Q. When Alice left up there Laura wasn't born? but when she came back she had a child? A. Yes sir.
Q. You spoke of Ed Lynch. Where did you see him? A. On a bridge there.
Q. Had you ever seen him before that time? A. No sir.
Q. Do you pretend to say that he never had been there before? A. Yes sir. He said he never had.
Q. When did he say that to you? A. I saw him that evening, after I saw him on the bridge with Laura. I just asked him, and he said that was the first time he was ever there.
Q. What year was that? A. I don't know.
Q. What month was it? A. I don't know.
Q. What day of the month? A. I don't know.
Q. Was it spring, summer, autumn, or winter? A. I don't know

whether I had been fishing or hunting, but I knew I had been over in the woods.

Q. Is Alice a colored woman? A. Yes sir.
Q. Is she a light color or black? A. She is dark.
Q. You say she worked in a hotel at Iola? A. Yes sir.
Q. How old was she? A. I suppose she was 16 or 18 years old.
Q. About how old were you when you can first remember? A. I don't know.
Q. You were speaking of when you can first remember. About how old were you when you can first recall things? A. I don't know -- I can remember things that happened when I was 5 or 6 years old.
Q. Do you know anything about the school records of Neosho Falls? A. No sir, but I could have found out.
Q. Were you ever a school officer? A. No sir.
Q. You don't know anything about the school records there do you? A. Yes sir, I know they have them there.
Q. Did you ever see them? A. Yes sir.
Q. Where? A. I saw them at the house of the man who keeps them
Q. When was that? A. I went there just a little while back. We got into a dispute over the age of a man, and I went there to see the books and get his right age.
Q. Who do you know in Neosho Falls? A. Nealry every body.
Q. Do you know Ex-Governor Finney? A. Yes sir, he is D. W. Finney.
Q. Do you know his son? A. Yes sir.
Q. What became of this man Newman? A. I think he is in Iola.
Q. Do you know? A. I am not positive.
Q. About how old a man is he? A. He is about 38 or 40 -- something like that.
Q. Is he a married man? A. Yes sir.
Q. Was he a married man at the time he was going with Alice? A. A. I can't say positively about that. He was either married then or was married shortly afterwards.
Q. Do you know whether or not he was married at the time this child, that she claimed was his, was born? A. I wouldn't say that positively.
Q. Do you know whether she and Ed Lynch were afterwards married? A. No sir, I don't know that they were ever married.
Q. How frequently did you see Ed Lynch up there? A. I saw him up there just a few times.
Q. You do not know that he came to the Territory? A. Nothing only what he said.
Q. You said you came to Fort Gibson about the time of some payment? A. Yes sir.
Q. What year was that? A. I don't know.
Q. How long ago was it? A. About 8 or 9 years ago, I guess.
Q. How did you happen to come down this time? A. They came up there and summoned me down here.
Q. Who did? A. Roland Nave.
Q. Where does he live? A. Either here or at Vinita.
Q. Is he a colored man? A. Yes sir.
Q. You were brought down here at the expense of the Cherokee Nation A. Yes sir.
Q. With whom did you talk about this case? A. No body. It seems that my aunt told him that I knew about these people.
Q. Did you come back with Roland Nave? A. No sir.
Q. With whom have you talked about it since you came? A. With that man (Mr. Hastings), and that man (Mr. Keyes).
Q. You have talked about this matter to each of them, have you? A. Yes sir.
Q. How long have you known Roland Nave? A. I don't know him very well now. I have seen him a few times.

Q. Where did you first see him? A. In Goosenock about two or three years ago.
Q. Where is Goosenock? A. Over in the Cherokee Nation.
Q. About how far from here? A. I don't know that.
Q. Do you know what he does for a living?

( The representative of the Cherokee Nation objects to the taking of any further testimony along this line for the reason that it is not competent, is irrelevant, and immaterial. It is perfectly competent for the Cherokee Nation to send and get witnesses, and that point has been inquired into, and this witness has been placed upon the stand as a witness brought here by the Cherokee Nation.)

Q. Where were you when he came to subpoena you?

(The Cherokee Nation objects because it is immaterial and incompetent.)

(Mr. Blue -- I think it is competent to ask about this matter.)

OBJECTION NOTED.

A. I was at Neosho Falls.
Q. When was it that they sent for you?

(Mr. Hastings: -- It makes no difference whether it was a year, a week, or two weeks ago.)

Objection noted.

A. It was the 23rd. day of May.
Q. Have you seen Roland Nave since that time?

(Mr. Hastings: -- I object for the reason that this is irrelevant, immaterial, and not proper cross examination, and makes no difference whether he saw him once or a hundred times.)

A. I waved my hand at him as I came through Vinita last night.
Q. Is he a colored man?

( Mr. Hastings: -- Objected to as being irrelevant and immaterial.)

A. Yes sir.
Q. Do you know whether or not he is in the employ of the Cherokee Nation for the purpose of looking up testimony and witnesses?

(Mr. Hastings -- I object to that as being entirely irrelevant and immaterial. It is perfectly competent for the Cherokee Nation to send any person to anybody to get any information as to parties fraudulently placed on the freedman rolls, or claiming freedman citizenship, and it makes no difference as to whether Roland Nave is employed by the Cherokee Nation or not, the only point being as to the truthfulness of the witness on the stand.)

(Mr. Blue -- That being so, it is perfectly competent to inquire of this witness as to the character of the employees of the Cherokee Nation.)

(Mr. Hastings -- If that be true, and the attorneys for the applicants desire to attack the reputation of Roland Nave, and if that be the initiative, then they should bring witnesses upon the stand to testify as to what his reputation is.)

(Mr. Blue: --We are simply showing that he is an agent of the Cherokee Nation, employed for the purpose of looking up testimony and witnesses for the purpose of defeating the claims of freedmen, which is always competent in any court to inquire into things of that character.)

A. I don't know. He came up there and summoned me, and I didn't ask him any questions. I did ask him if I must come, and he said if I didn't come they would send after me and make me come. Then he got on the train and came back.

MR. MASTINGS:

Q. Did Roland Wave, Judge Keyes, or myself, or any one else claiming to represent the Cherokee Nation, ask you to tell anything other than the truth in this case? A. No sir.

Q. Has there been any intimation by any one claiming to represent the Cherokee Nation that they wanted anything other that the truth from you? A. No sir.

Q. You say that at the time Alice went away it was known that she was going to give birth to a child -- just before it was born? A. Yes sir.

Q. About how long was she gone before she came back there with Laura a baby in her arms? A. I don't know. She must have been gone 5 6 or 7 months.

Q. Then Laura was a baby in her arms when she came back? A. Yes sir.

MR. BLUE:

Q. Now, this man Newman, the of whom you have spoken, and who you say Alice says was the father of Laura, was he a white man? A No, he was a colored fellow.

Q. What was the description of him? A. He was about my size, I suppose, and about my color.

Q. About what was his age? A. 38 or 40.

COMMISSION:

Q. Do you know whether Ed Lynch and Alice Landrum were ever married? A. No sir, I don't.

Q. How long have you been acquainted with Ed Lynch? A. I first saw him about 10 or 12 years ago.

Q. Where is this place, Iola? A. In Allen County, Kansas.

Q. How long, if you know, has Alice Landrum been away from Kansas during the last 15 years? A. She has not been away from there more than 8 or 9 years.

Q. Where has she been living for the last few years? A. Near Vinita.

Q. Do you know whether she is living with Ed Lynch? A. I do not She was the last time I hear from her.

Q. Have you ever heard of Ed Lynch and Alice being married? A. Yes sir, since she came down here I have heard that they were married.

Q. How old do you say this child is now? A. 13 or 14 or 15 years old -- I don't know positively.

Q. Is she over or under that? A. She is not over 15 -- she is about 14 or 15 years old.

Q. Did you see Alice Lynch immediately after she returned from the Territory? A. Yes sir.

Q. Taht would be about how many years ago? A. About 14 or 15 years ago.

Q. Did she say at that time that she was married to Ed Lynch? A. No sir.

Q. Did you see her frequently after that? A. Yes sir.

Q. Did you see her often? A. Yes sir, I would see her every two or three weeks -- sometimes I would go down there two or three times in one week, and then maybe I wouldn't go at all for a week or two.

Q. Just go down there to visit her? A. Taylor and I would go down to Taylor's sister's. She was staying with Taylor's sister.

Q. This was in 1890? A. Yes sir --- no, it was before that -- it was about 13 years ago.

WITNESS EXCUSED.

Mr. Blue --- I will state that Ed Lynch was at the depot when I got on the train there today at about 10:00 o'clock, and he had in his hand an affidavit unsigned, stating that Alice Lynch was sick and has been sick for 6 or 7 days, and was not physically able to attend the session of the Dawes Commission today. He stated that he had spoken to Mr. Davenport, who is one of the attorneys for the Cherokee Nation, in regard to the matter, and that he had been unable this morning to get a Notary Public to go over to his house and take Alice's affidavit. He requested me to make this statement here in court, in substance, and to say to the court that he hoped and expected that Alice Lynch, his wife, would be able to attend the session of the Commission on next Thursday.

He further stated that he was unable to come himself by re reason of the serious illness of his wife, and requested me to have the matter deferred, and said that he would have the affidavit taken and would send it by the next mail.

That is, in substance, what he said to me, and it is all that I know about the matter of any reason why Alice Lynch and Ed Lynch are not here today to testify and produce testimony in behalf of Laura Lynch.

---

This case will be continued two weeks -- until June 15, 1902.

---

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 1st. day of June, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 8th. day of June, 1905.

Fred R. Branson
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the cases of ---

| | |
|---|---|
| Jim Landrum Sr. et al., | Cherokee Freedmen D-644. |
| Dennery Banks, et al., | Cherokee Freedmen D-690. |
| Bobbie Landrum | Cherokee Freedmen D-[illegible]. |
| Alice Lynch, et al., | Cherokee Freedmen D-701. |
| Lizzie Allen, et al., | Cherokee Freedmen D-708. |
| Ed Landrum, | Cherokee Freedmen D-1118. |

ORDER.

On September 14, 1904, there was filed with this Commission, by the Cherokee Nation, a motion praying that the consolidated cases including the applications of Jim Landrum Sr., and others, and in which this Commission had, on August 22, 1904, rendered its decision herein enrolling said applicants as Cherokee Freedmen, be reopened, in order that said Nation might introduce newly discovered evidence tending to disprove the rights of said applicants to enrollment as Cherokee Freedmen.

After careful examination and consideration of the motion herein filed, and testimony heretofore taken in this case, said motion is granted, and it is ordered that the consolidated case including the applications of Jim Landrum Sr., and others, be, and the same is, hereby reopened for the purpose of permitting the Cherokee Nation to introduce newly discovered evidence tending to disprove said applicant's rights to enrollment as Cherokee Freedmen, and for the applicants to introduce in rebuttal such testimony as they may desire.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

DEC 19 1904

Muskogee, I. T., July 18, 1904.

Received of the Commission to the Five Civilized Tribes a copy of the testimony taken at Chelsea, I. T., on June 11, 1903, in the matter of the application for the enrollment of Alice Lynch, et al., as Cherokee freedmen, F. D. 701.

[illegible]
Stenographer for applicants.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

## MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Alice Lynch,
Vinita, I. T.
Cherokee-F-D-701.
Letter.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

# AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Alice Lynch for enrollment as a Cherokee Freedman

No. 1 to 701

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September A. D. 1901, he registered to Alice Lynch whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Alice Lynch, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
1901
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of Alice Lynch for enrollment as Cherokee Freedman.

Case No. I. T. 701

To Alice Lynch Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory on Oct. 15th 1901 10 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R B Bell

W. W. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

Vinita Ind Ter
Apr 30th 05

Dawes Commission
Gentlemen

in Reply to the notice to my ~~[illegible]~~ daughter Laura Lynch to appear before the Commission May 4th 1905 I will say Laura is a minor and I am her mother and I do know who her ~~[illegible]~~ Father is and this statement you have when I made application for Enrollment - and I will say I do not know of any

AAB-701.

COMMISSION TO FIVE TRIBES.
No. 22184
Received 1905 MAY 3 1905

Lynch, Alice,
Vinita, I.T.,
Cherokee Nation,
April 20, 1905.

Relative to evidence desired in case of Laura Lynch.

CHEROKEE ENROLLMENT,

Vinita Ind Ter
Apr 30th 05

Hon. Laws Commission
Gentlemen
in Reply to the notice to my
~~[illegible]~~ Daughter Laura
Lynch to appear before
the Commission May 4th
1905 I will say Laura is a
minor and I am her mother
and I do know who her
~~[illegible]~~ Father is and this
statement you have when I
made application for
Enrollment - and I will
say I do not know of any

Q[illegible] [illegible] Lynch is [redacted], she
can only [illegible] married to
Edward P. Lynch, Sept. [illegible] 1890
and as per [illegible] further
evidence in her case I will
say that I do not know
what other I can give I
Remain Respy yours
Alice Lynch.

CFH 701

IN RE

Application for Enrollment of

INFANT CHILD

Adnagnich

as a citizen of

Cherokee Nation

Jan. 2 1901

T B Kelsey

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jan 12 1901
CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation of Laura Lynch born on the 26 day of January 1900

Name of Father Ed Lynch a citizen of the Cherokee Nation

Name of Mother Alice Lynch a citizen of the Cherokee Nation

Postoffice Vinita I. T.

## AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Alice Lynch on oath state that I am 34 years of age and a citizen by adoption of the Cherokee Nation. that I am the lawful wife of Ed Lynch who is a citizen, by blood of the Cherokee Nation, that a male (Male or Female) child was born to me on 26 day of January, 1900 that said child has been named Laura Lynch and is now living. and that her attending midwife is dead.

Alice Lynch

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 11 day of June, 1901.

Louis T. Brown
Notary Public.

Seal

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ..... DISTRICT.

I, ....., a ....., on oath state that I attended on Mrs. Alice, wife of ..... on the ..... day of ....., 1900; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named Laura Lynch

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this ..... day of ....., 190.

Notary Public.

MEMORANDUM OF APPLICATION

# CHEROKEE FREEDMEN.

Date JUL 11 1901

Post Office

District

9. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Mother

Citizenship

Doubtful

11. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children:

21. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by Stenographer

Cherokee Doubtful as Alice Landrum

2 Affidavits of birth to be supplied

X Ref 2664

Vinita, Indian Territory, 6-2 1900

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Anna Frank Ozal,

Chas. Burger,
Attorney for Applicant.

(copy)

Cherokee Freedman
D-7741.

Muskogee, Indian Territory, January 13, 1905.

Alice Lynch,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor child as Cherokee freedmen, you are advised that this case will be taken up for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M. on Thursday, February 2, 1905, at which time you will be permitted to appear and introduce any testimony that you may desire in support of your said application.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Register.

COPY

Cherokee Freedmen

D-701.

Muskogee, Indian Territory, April 22, 1906.

Laura Lynch,

Care of Alice Lynch,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show whether you are the daughter of Ed Lynch.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1906, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Attest:
Register.

COPY

Cherokee Freedman

D-701.

Muskogee, Indian Territory, April 23, 1906.

Blue & Bulger,

Attorneys for Laura Lynch,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Laura Lynch as a Cherokee freedman, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show whether the said Laura Lynch is the daughter of Ed Lynch.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1906, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

Register

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen

Enrol.

Muskogee, Indian Territory, April 25, 1906.

Hill, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Laura Lynch as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether the said Laura Lynch is the daughter of Ed Lynch.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1906, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

Tams Bixby,
Chairman.

( C O P Y )

Vinita, Ind. Ter.

Apr. 20th 06.

Hon. Dawes Commission.

Gentlemen:

In Reply to the notice to my Daughter Laura Lynch to appear before the Commission May 9th 1906 I will say Laura is a minor and I am her Mother and I do know who her Father is and this Statement you have when I made application for Enrollment and I will say I do not know of any other true evidence she can give. I was married to Edward B. Lynch Sept. 27, 1890 and as for giving further evidence in her case I will say that I do not know what other I can give.

I remain,

Resp. Yours,

(Signed) ALICE LYNCH

Cherokee Freedmen
D 701

Muskogee, Indian Territory, May 4, 1908

Mrs. Alice Lynch,

Vinita, Indian Territory.

Dear Madam:

Your letter of April 30, received and it is noted what you say relative to the paternity of your minor child, Laura Lynch, and that you were married to Edward B. Lynch, September 27, 1890.

Your attention is called to the fact that on June 12, 1901, you filed with this Commission an affidavit showing that your daughter Laura Lynch, was born January 25, 1890, nine months prior to the time that you now claim you were married to Edward B. Lynch. At the time your alleged husband, Edward B. Lynch, appeared before the Commission to make application for enrollment, he testified that he was the father of but one child, and that said child was dead.

In view of the foregoing it is considered by the Commission necessary that you introduce competent evidence showing your marriage to the said Edward B. Lynch. If said marriage was performed under a license issued either by the Cherokee Nation or the Clerk of the United States Court, it

is requested that a certified copy of the same be introduced. If not, that you introduce the testimony of disinterested witnesses showing the date of your marriage to the said Edward B. Lynch.

You are hereby notified that your case will be taken up for final hearing, at the offices of the Commission at Muskogee, Indian Territory, at nine o'clock A. M., Thursday, May 18, 1905, at which time you will be permitted to appear and introduce the testimony above indicated. You are further advised that the Cherokee Nation has this day been notified that they will be permitted to appear on said date and introduce in rebuttal such proof as they may desire.

Respectfully,

Chairman

Cherokee Freedmen

D-701.

Muskogee, Indian Territory, June 10, 1906.

Blue & Bulger,

Attorneys for Laura Lynch,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on June 1, 1906, in the matter of the application for the enrollment of Laura Lynch as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby,

(SIGNED). Chairman.

Incl. S-61.

Refer in reply to the following:

Land.
V1894-1906
60370.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Rosa and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 8, 1906, the Commissioner decided adversely to all the applicants.

The record shows that on August 29, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion, that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Sr., and Margaret Sundrum, and except as to Laura Lynch and Frank Allen, neither claim now possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Taylor Newman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

N.M.M. - WL.

Muskogee, Indian Territory, August 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedmen consolidated case of Jim Landrum, et al, No. D 664, et al.

The records of this office fail to show that a motion for a rehearing in this case has been filed with it. The decision of the Commissioner to the Five Civilized Tribes dated September 8, 1905, rejecting the applications for the enrollment of the applicants embraced in said case, together with the record of proceedings had therein, was forwarded to the Department September 11, 1905, where the same is now pending.

The Department's attention is called to its letter of November 21, 1905 (I.T.D. 10337-1905), addressed to J. J. Bulger, Vinita, Indian Territory, a copy of which was furnished this office November 28, 1905.

Respectfully,

Encl. M.A.30-2.

Through the Commissioner of Indian Affairs.

Acting Commissioner.

[illegible]

[illegible] Department of the Interior,

Washington.

I.T.D. [illegible]-1908.
[illegible]-1904.
[illegible] "
[illegible] "
[illegible] "

February 6, 1907.

Dec

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 20, 1906 (Land [illegible]), the Indian Office transmitted your report dated September 11, 1906, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, Jesse, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Aline Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Rosa and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1906, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 23, 1906, the attorneys for the applicants filed a protest against your decision, requesting that it be rescinded and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landom, who was enrolled in Company M, First Kansas Colored Infantry, also known as Company M, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 2[illegible], 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landum was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Bulle, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louisa Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are nonsitizens.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First-Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 12 to Ind. Of.

Dawes Roll 7.
E 791

COPY

Muskogee, Indian Territory, March 2, 1907.

Alice Lynch,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting, among others, the application for the enrollment of yourself and minor child, Laura Lynch, as Cherokee freedman, was affirmed by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

JMK

[illegible] v.
[illegible] et al.

COPY

Muskogee, Indian Territory, March 2, 1907.

Starr & Patton,

Attorneys for Jim Landrum, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.E-252
JMK

SIGNED Tams Bixby.
Commissioner.

Chickasaw 7.
2 Ind et al.

Muskogee, Indian Territory, March 2, 1907.

W. W. Hastings,
Attorney For Chickasaw Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Fox Lampkin, Sr., et al., as Chickasaw freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Encl. H-281
JGH

Duplicate.

Cher. Fr. R-979

Trans. from Cher. Fr. D 702

Cher. Fr. R-979

DEPARTMENT OF THE
COMMISSION TO THE PHI
FILED
AUG 19 1901

Title [redacted] Freedman, Docket Maggie Allen

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 13, 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Landrum being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

Q Give me your full name? A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And they are all living now? A Yes, sir.
Q ~~[illegible]~~ Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed? A Yes, sir, in the late war.
Q Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought,
Q I stopped in Kansas when I was mustered in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother? A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years.
Q Was be a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 51.

Q Then here you and the Darlings? A We were married the first
winter on the Canadian of the war.
Q Where were you married? A Married in Kansas.
Q To whom did she belong when the war broke out? A She belonged
to a woman by the name of Eliza Wright.
Q Was she a recognized citizen of the Cherokee Nation?
Q Where did she live? A She was a daughter of Judge Martin, she
lived down here on Grand River at the Cherokee place.
Q Were you ever married before you married this woman? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q Give me the names of these five children? A Josephine Landrum.
Q How old is that child? A Twenty.
Q The next child? A John Landrum.
Q How old is he? A 18.
Q The next child? A Jim Landrum.
Q Jim, Jr. Isn't it, you the old man? A Yes, sir.
Q How old is your boy Jim? A 16.
Q The next child? A Barbara.
Q How old is Barbara? A Ten.
Q The next child? A Nelson.
Q How old is Nelson? A Eight. Will be in July.
Q Are you on the 1880 roll? A I ought to be.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.
The 1890 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #5703, James Landrum, Goweseeowee District.
Page 153, #5705, Margaret Landrum, Goweseeowee District.
Page 153, #5706, Josephine Landrum, Goweseeowee District.
Page 153, #5721, John Landrum, Goweseeowee District.
Page 153, #5722, James Landrum, Goweseeowee District.
Page 153, #5724, Nelson Landrum, Goweseeowee District.
Q How comes you didn't get money for Barbara? A I did get money for her.
Page 153, #5725, Emma Landrum, Goweseeowee District.
Q Did you ever call that child Emma? A Sometimes.
Q Well there is really a part of her name? A Sometimes.
is Barbara, we call her name sometimes for a nickname.
Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied, didn't you? A Yes, sir.
Q And what did they say to you; what did they do to you?
A Well, when they made that '88 roll my father told me to work on the place and he would put all of us children on.
Q Is your father himself on there? A Yes, sir, I think he is.
The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 145, #663, George Landrum, Saline District.
Q Caroline, who is that? A That's my stepmother.
Q Who is Samuel? A My brother.
Q Your full brother? A Yes, sir.
Q Who is Daniel? A That is my brother.
Q Full brother? A Yes, sir.
Q Sherman, is he your brother? A Yes, sir.
Q Full brother? A Full brother.
Q Now, you were in the army during the war? A Yes, sir.
Q Where were you discharged, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We were mustered out, it was in '66, and then I came down and looked my people up and found them and then during that Christmas after I was discharged I came on down to the Nation. I didn't stay

in Kansas (you said).

Q You got married in Kansas? A No, sir, I didn't marry when I came down here.

Q You married in Kansas? A Yes, sir, I went back and married them.

Q What year was it you married in? A It was.

Q How long after you were mustered out? A The next spring.

Q You were married in 1866; married the next month? A Yes sir.

Q You didn't mean '66 you mean '67? A Yes, somewhere along there I don't remember exact.

Q You say you were a slave in '61? A Yes, sir.

Q Let us understand now just what you mean; you were mustered out in '65 at Leavenworth were you? A I don't know whether it was '65; I was mustered into the army time Allen Lynch was mustered out.

Q What were you mustered out? A First Kansas Colored.

Q What company were you in? A I was in Company H.

Q Well you were mustered out; what time of the year were you mustered out? A I know it was getting late in the fall.

Q Well, how long before you were mustered out was it before you came south? A Just some winter.

Q You came down you say to look up your people? A No, my people lived in Kansas, I came down here to locate a place.

Q Had you heard of the treaty when you came down? A Yes, that was the talk of the crowd I came with, all came together.

Q You heard of the treaty having been passed? A Yes, sir.

Q What time was it in the winter you came down? A Just a little before Christmas.

Q A little before Christmas? A Yes, sir.

Q Where did you go? A Came down here in the Nation.

Q Well, did you pick out a place? A We stopped at the place after I got down here.

Q Well, you didn't married at that time? A No, sir.

Q Well, when did you go back to Kansas? A That spring.

Q And when did you marry? A That spring after I went home.

Q Married pretty soon after you got back there? A Yes, sir.

Q You say when you went home; you mean when you went to Kansas? A Yes, sir.

Q How long did you stay in Kansas after you married? A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.

Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.

Q Well, how long did you keep that up before you went back and got your wife? A Quite a while.

Q Well, two or three years, four years? A No, it would not be that long.

Q Well how long? A About a year.

Q And then you went back to Kansas and got your wife? A Yes sir.

Q And then you brought her down to the Nation? A Yes, sir.

Q Had you any children at the time you brought your wife down to the Nation? A No, sir.

Q You have some children that are old enough to apply for themselves? A Yes, sir.

Q Were any of them born in Kansas? A No, sir.

Q Were all of them born in the Cherokee Nation? A Yes, sir.

Q Well, when you brought your wife down that time did she continue to make her home here with you? A Yes, sir.

Q Has she made her home here ever since? A Yes, sir.

Q Well, when you came down from Kansas who came with you the first time you came? A Fred Bankston.

Q Did any of your family come with you? A No, sir, I wasn't married then.

Q I am talking about your father and mother? A I came before my father did.

Q Well, how about your brothers? A I came before any of them did.

By Mr. Davenport:

Q You did not know when the last roll was made, didn't you, sir? A I didn't get my learning, I don't know when the 'ed roll was made.

Q We didn't have examine to know whether you have got a child so much old or not now? A I don't know.

Q Have you up and got children that are more than 50 years of age? A Yes, sir.

Q Where were you living when the 1880 roll was made? A Living here on Grand river.

Q What place on Grand river? A Dalse Tah Yard.

Q At what place? A I had no postoffice there.

Q Had no postoffice on Grand river in 1880? A Had no postoffice when I came.

Q I aren't asking you about when you came, I am asking you about 1880? A All the postoffice I know of there it was up about Tihlow's.

Q That was in 1880? A I don't know when it was.

Q Where was it you were living in 1880? A Down about Ten Yard.

Q Where did you live with them? A I lived with him, he had made that place.

Q You and your family lived there with your father in 1880?

A Yes, sir, part of the time.

Q Did you and your family live there with him in 1880? A Not much.

Q Did you live there partly with him? A With him all the time.

Q Well how long did you live with him? A I don't know.

Q How long did you live in Kansas after you were married?

Q I didn't live there any time.

Q How long do you think your family stayed there? A I went and got my family, my wife.

Q Did you bring her home as quickly as you married? A Yes, sir.

Q Where was she living at the time you married? A At Tunway.

Q And you left immediately for the Territory? A Yes, sir.

Q Have you lived in Kansas since then? A Sure.

Q About how long have you lived in Kansas? A Oh, I don't know, just a little bit, lived in Kansas and worked.

Q What place or places have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.

Q You say you have lived some in Kansas since; I want to know what places you have lived? Q When I went back my folks lived there near Neosho, Kansas, my father did.

Q You have got people living at Neosho Falls now? A No, sir.

Q You are not kin to Bell Landrum? A No, sir.

Q Do you know what her husband is named? A Yes, sir.

Q What his name? A Duly Landrum.

Q He is no relation of yours? A No, sir.

Q Neosho Falls is where he lives isn't it? A I don't know where he lives.

Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir.

Q Where have you lived? A Down here on Grand River.

Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's Ferry.

Q Have you lived in any other place out of the Cherokee Nation?

A I lived at Gibson.

Q Gibson isn't in Arkansas? A No, sir.

Q Did you apply to the Rob Daniels Court to be admitted, to have your rights established? A Not that I can remember.

Q Did you apply to the Dawes Commission in 1896? A Can't remember.

Q You would remember it wouldn't you if you had of done so?

A I don't know whether I would or not.

Q You remember the happening of things very well don't you?

A Sometimes and sometimes don't.

Q What county in Kansas were you married: you said you were married at Tunway? (No response)

Q What country was it in? A I don't know; it is in Coffee County or Lime County.
Q What was the county seat? A Burlington.
Q You came back to the Cherokee Nation in what year did you say?
A The winter I was captured out.
Q What winter were you captured out? A That is what I can't remember.
Q You don't know what it was you were captured out and don't know when it was you came back to the Cherokee Nation?
A No, sir, it was in the winter I was captured out.

JOHN LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

By Mr. Smith, of Counsel for Applicants:

Q State your name? A John Landrum.
Q How old are you? A 18.
Q Where do you live? A On Whooping Creek.
Q What is your postoffice? A Bayou.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Jim Landrum? A Yes, sir.
Q How long have you known him? A I've known him ever since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q No one? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand River.
Q Well, what part of Grand River? A The Island Ford as they call it: Tan Yard Ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Easter Landrum.
Q She was a Cherokee citizen? A Yes, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war of your own knowledge?
A During the war, he was a soldier during the war.
Q And you first saw him back here in the Cherokee Nation at what time? A It was here in '66, on the grand river there at his daddy's.

By Mr. Davenport:

Q What makes you remember it was in '66? A Because I know it.
Q Will that year was the Wallace roll made? A I could not tell you.
Q You were here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Kern-Clifton roll made? A I don't know.
Q You were here? A Yes, sir.
Q Yet don't know? A I didn't get no education.
Q How do you know '66? A I know it.
Q How do you know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty do you mean, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q His father was with him was he? A Yes, sir.
Q Did his father come back at the same time he did?

A Yes, sir, of course he did.
Q Then if he were he gone before his father, did he be mistaken 1860? A He came before that time enlisted and remained; he stayed with Arch Bin-ge and Bowie Rose.
Q And his father didn't come with him at that time? A No, sir.
Q Well, do you know where he married? A Yes, sir.
Q Where was he married? A It was up L. Gaines.
Q That place, do you know? A Place they called Leroy, just the other side of Leroy. I forget the name of the place but I know just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stayed up there a great while.
Q Has he been living near you ever since he came back? A No, sir, not near me.
Q About how far from you? A About 80 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q That year was it he married? A I could not tell you; that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.
By Mr. Smith:
Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our house.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.
By Mr. Davenport:
Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember then? A No, sir.
By Mr. Smith:
Q Where were you when you first heard of this time that the negroes had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your name? A Harry Still.
Q How old are you? A 54.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
Q Do you mean put on one by this commission? A Yes, sir, at Vinita
By Mr. Smith:
Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 36 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war?
A It was up pretty near about the first of February when I saw Jim.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.

Q Now, about what time you think you saw Jim? A About last part of '66.

Q What did you mean by saying it was in February? A It was in the last part of '66.

Q Was it in '66? A Yes, sir.

Q How long was it from Christmas? A Why it was about the last part of Christmas; just after Christmas, when I saw him at his father's.

Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66, it was after Christmas when I saw him of '66.

Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.

Q Where did you see him first? A At his father's on Grand river.

Q Had you seen him before that? A Yes, sir.

Q Where did you see him? A Over yon in the first colored regiment.

Q When, I mean Jim Lankford been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.

Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.

Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?

A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

By Mr. Davenport:

Q You saw him sometime after Christmas, '66? A Sometime.

Q You don't remember about how long after Christmas it was?

A No, sir, it was about the last part of '66.

Q You thought when you first stated that it was in February, '66?

A I am not positive.

Q Was it about February after the Christmas of '66 or not?

A I am not positive.

Q You know anyway it was after Christmas? A It was about the last part of '66.

By Mr. Smith:

Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.

Q The third trip you made? A In the fall, along there, in October.

Q About how long was it after you came back the third time until you saw Jim Lankford? A Sometime in December.

Q About how many months? A I don't know exactly but it was the last part of '67 when I saw him.

Commissioner Breckinridge: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil war. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company H, 79th U.S.; he claims it as the First Kansas, 79th U. S. Infantry. When he was mustered out with them at Leavenworth. It will be necessary to communicate with the War Department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now

given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 41 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 41 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the Civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant now his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of his five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 22d day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11th, 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A About 50.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.

Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anyone besides yourself? A Myself and one child.
Q How old is the child? A She is 11 years old.
Q How long have you lived in the Cherokee Nation? A Off and on all the time.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out? A Yes, sir.
Q Did you belong to a Cherokee master when the war broke out? A Yes, sir.
Q Give me the name of your master? A Ben Lenorm.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Have you been out since the war? A Went out during the war
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked since the war ended.
Q Give me the name of your father? A George Lenorm.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 12 or 14 years as near as I can get at it.
Q Give me your mother's name? A Cassie Lenorm.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I think about 12 years.
Q Was your father a Cherokee freedman? A Yes sir.
Q Was your mother a Cherokee freedman? A Yes sir.
Q Where did your master Ben Lenorm live? A On Spavinaw Creek.
Q In what county? A Delaware I think.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Kirkpatrick.
Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.
Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living now? A Yes sir.
Applicant not on the 1880 or 1896 roll.
Kern Clifton roll examined and applicants found as follows:
page 158, No. 5796, Celia Daniels, Cooweescoowee District.
page 158, No. 5796, Ethel Daniels, Cooweescoowee District.
Q How comes it that you are not on the roll of 1880? A I don't know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A Chetopa Mills, Kansas.
Q With who? A Lone Ben.
Q Did your husband come with you? A Yes sir he came too.
Q Did you stay there until after the war? A Yes sir.
Q When did you come back? A In the spring I guess.
Q Of what year? A When my father and Simon Lynch came, I don't know the dates.
Q Did your husband come back with you? A No sir.
Q When did he come? A He sent me on with his father and my father and he stayed and worked a while and he came down the next spring after I did.
Q Did you have any children at that time? A No sir.
The authenticated roll of 1880 examined and the name of the

Applicant's father identified on his oath as follows:

Page and Rabbit, Grand Lodge, Indian Country.

The last will contained the [illegible] and

Witness and came to court as follows:

Page Sam, Mr. Sir, Grand Lodge, Indian Country.

Q. How long after you got back before your husband died? A. In the spring.

Q. How long after you got home before he died? A. I guess it was a year.

Q. You came this spring and he died the first another? A. Yes sir.

Q. Where is Simon Lindal? A. I guess he is at home.

Q. How long he live from home? A. I don't know.

Q. Is there anyone here who knows of your having been married?

A. Yes, sir.

Joel LINDER, called and sworn as a witness for the applicant, testified as follows:

(By Sam'l Brookbanks)

Q. What is your name? A. Joel Linder.

Q. What is your nationality? A. Indian.

Q. How long have you lived in the Cherokee Nation? A. All my life off and on.

Q. Were you out during the war? A. Yes sir.

Q. Were you a citizen of the Cherokee Nation during the war? A. Yes sir

Q. Do you know this applicant here? A. Yes, sir.

Q. What is she to you? A. My sister.

Q. Do you know Simon Lindal and Cassie Lindal? A. I am a son of Simon Lindal.

Q. Was this applicant she not full brother and sister then?

A. No, sir, half brother to her. My mother was Indian and her father was Cherokee.

Q. Was your father married to Cassie before he married Cassie?

A. Yes, sir.

Q. When did he marry Cassie, was it in eastern ways? A. Yes sir.

Q. Was Simon living then? A. No sir he died and moved.

Q. Was Cassie of the Indian blood? A. Yes sir.

Q. Did he consent to live with both of them at the same time?

A. Yes sir.

Q. Was there some of this committed in that way? A. Yes sir, was she got in that way, because Cassie is white and married.

Q. Do you remember when Cassie Lindal came back to the Cherokee Nation.

A. Yes sir, with Tom? A. No sir, I came first before he did.

Q. Were you living at the time he died? A. Yes sir.

Q. You went back to Kansas for your husband, didn't you? A. Yes sir.

Q. Were you here when your husband died, or went you back for your family? A. No came when I went back to Kansas.

Q. Then didn't see him when he died here? A. No sir, I saw him then he died down Above.

Q. Was your sister with him? A. Yes sir.

Q. When you got back did you see him? A. Yes sir.

Q. Was your sister with him? A. No sir.

Q. How long after you saw them in Kansas did you see them here? A. It was before I got back here.

Q. You saw them in the Kansas? A. Yes sir.

Q. How long after that did you next see them in the Cherokee Nation? A. In the next fall following.

Q. What time of the year did you see them leave Kansas? A. It was in '65 I think it was.

Q. What time of the year? A. In March.

Q. Of '65 and '66? A. March of '65.

Q. That you saw them leaving Kansas? A. I think it was.

Q. Was the war over that? A. Yes sir, just right at the close of the war over that.

Q Is your name on the roll of Lewis? A I don't think it is.
Q You married Tom Daniels? A Two years ago? A Yes sir.
Q You ought to know, you was told at the time you married? A The girl.
Q Don't you remember? A Yes sir, I remember.
Q Was your stepmother with your sister when they came back? A No sir
Q Where was she? A At Sheoah.
Q Didn't she live with your father after the war? A No sir.
Q Did she go out during the war? A Yes sir.
Q Isn't was the name she went by after the war, Landrum? A Yes sir.
Q Didn't she marry another man and take his name? A No sir.
Q How long do you think Cessie Landrum has been dead? A She has been dead 12 or 13 years.
Q Did she continue to live in the Cherokee Nation after the war?
A Yes sir.
Q Where has this lady sister of yours lived since the war? A She has lived at Brown's ferry and Iron's Yard and in Simon Lynch's settlement and in Arch Sampson's settlement.
Q Was she ever lived outside of the Cherokee Nation since the war?
A Most of the time.
Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A No sir.
Q What do you mean to say then? A That she has lived right where my father first brought her most of the time since the war.
Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A Yes sir.
Q You are positive that she has made her home here all the time since the war? A Yes sir.

(By the Commissioner of the applicant-)
Q You didn't indicate that you had made your home here all the time since the war did you? A I worked out some.
Q Where have you been out at work? A At Nocona Falls some times.
Q Any other places? A Chetopa.
Q Anywhere else? A No sir.
Q How much work have you done at Nocona Falls? A Sometimes six months maybe never, then I would make a trip back here.
Q Did you take your family with you? A Yes sir I would take the baby there sometimes.
Q How about Chetopa? A Yes sir the same way.
Q Have you spent as much as half your time in Kansas? A No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
Q When did your last husband die? A 2 years ago.
Q Where did you marry him? A Nocona Falls.
Q Where did you marry your first husband? A On the river where I live now.

(By Commissioner of witness, James Landrum)
Q What was the name of your sister's first husband? A Tom Daniels.
Q When did she marry him? A Long before the war.
Q How long has he been dead? A Been dead about 13 years.
Q Did she live with him until she died? A Yes, sir.
Q What was the name of her second husband? A Jerry Kirkpatrick.
Q How long has he been dead? A About 4 years I think.
Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.
Q Did she marry him after Tom Daniels died? A Yes sir.
Q Was she ever been married except these two times? A No sir.
Q Did she live with Kirkpatrick until he died? A Yes sir.
Q Do you know that your sister had been in the habit of going to Nocona Falls and Chetopa and working there? A No sir.
Q You don't know anything about it? A No sir.

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[illegible]

Q Don't [illegible]

The testimony of the witness that [illegible] down to this point, is as filed in the case of the said James Hickory, as it indicates that his testimony is cumulative and should be taken into consideration in weighing the statement he has made in his own behalf. His application of Cherokee Freedman [illegible].

I, Chas. Van Valzy, upon my oath, state that the foregoing is a true and complete copy of that much of the original testimony as has been recorded filed in Cherokee Freedman Doubtful case #[illegible].

Signed, Chas. Van Valzy.

Subscribed and sworn to before me this the [illegible] day of July, 1901.

Signed, R. J. Green,

(Seal) Notary Public.

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Bruce B. Jones, being duly sworn, says that as stenographer in the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce B. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., June 11, 1901.

In the matter of the application of Lizzie Allen for the enrollment of herself and three children.

Lizzie Allen, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lizzie Allen.
Q How old are you? A 27 years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to have enrolled besides yourself? A Three children, Emma —
Q How old is Emma? A 13.
Q What is the name of the next one? A Viola.
Q How old is Viola? A 9.
Q What is the next one? A Frank, 7.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Allen.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Has he applied to be enrolled himself? A No, sir.
Q What is your father's name? A James Landrum.
Q What is your mother's name? A Margaret.
Q Your name on any of the rolls of the Cherokee Nation? A Yes, sir
Q Did you draw what is known as the strip money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicant, Lizzie Allen, identified thereon, page 153, No. 3877, Goweegoowee district, as Lizzie Landrum.

Q You didn't draw for any of these children? A No, sir.
Q When were you married? A It has been four years ago.
Q Were you ever married before? A No, sir.
Q Are these children all named Allen? A No, sir, they go by my name, all but the last one.
Q That would be Emma Landrum and Viola Landrum and Frank Allen?
A Yes, sir.
Q He is 7 years old and you were not married till four years ago?
A That don't make any difference.
Q Will was around anyhow, was he? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q You born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Always lived there when I wasn't out working and going to school.
Mr. Davenport: Now Lizzie, how long have you lived in Kansas?
A Lived there when I was going to school.
Q How long did you go to school there? A I don't know, two or three years I guess. I didn't stay there all the time
Q At what place were you going to school? A Went to school at Parsons and Iola and went to school at Wichita.
Q You mean Neodosha Falls? A I don't know anything about Neodosha Falls.
Q What place in Kansas? A Neosho Falls.
Q Where was your father living at the time you were going to school at Neosho Falls? A Living on Grand River.
Q Where was he living when you went to school at Parsons? A Living on Grand River in the Territory.
Q When you went to school at Iola? A He was living at the same

Lissie Allen - R.

Blake.

Q You have never lived in Kansas except when you went to school?

A When I was working.

Q How long did you work up there? A Varied when I was't going to school.

Q Have you lived there since you and Will were married? A No, sir.

Q Have you lived any other place that Will's since you and he were married? A No, sir, couldn't get away, if I had money I would go.

Commissioner: Lissie Allen applies for the enrollment of herself and three children, to-wit, Sam Landrum, Viola Landrum and Frank Allen. She avers that she is married to William Allen and by her marriage to him she has one child, and that before her marriage she had two children. She avers that she is the daughter of James and Margaret Landrum, who are listed for enrollment on D card 694, and the testimony taken in said case will be made part of the record in the case at bar, and a copy thereof will be filed herewith. She and her child will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to file satisfactory proof as to the birth of the three children, their names not appearing upon any roll. She will be notified by mail of the decision of the Commission when arrived at.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 21st of June, 1901.

D. C. Thomas

Commissioner.

File with Lizzie Allen C. P. D. 788

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 12th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jim Landrum et al. C. P. D. 788.

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

C. R. GRIFFITH being first duly sworn before Com'r T. B. Needles testified as follows on the part of the Cherokee Nation.

( By Davenport )

Q What is your name? A C. R. Griffith.
Q Where do you live? A Vinita.
Q How old are you? A 29.
Q Where did you live before coming to Vinita? A Emporia, Kansas.
Q Did you ever live at Neosho Falls, Kansas? A Yes sir.
Q How long did you live there? A From '76 until '87.
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there.
Q Did he have a family there? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No sir.
Q Have you seen him since he came to this country? A Yes sir.
Q Do you know where he lives now? A No sir I just seen him here in town.

( By Smith )

Q You dont know if the man you are talking about is the same man who is an applicant in this case or not? A Yes sir the same one that was pointed out to me.
Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith, I knew him when I was going to school there, I can't say when I first knew him.
Q How long did you live in Emporia? A From '87 or '8 when I first went there un til '92 when I left.
Q Where did you first know this man you are talking about in Neosho Falls Kansas.
Q What year? A I know him until I left there, I dont know when I first knew him.
Q Did you know him in Emporia? A No sir.
Q You way you left there about '87 or '8? A Yes sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.
Q And you cannot way when you first knew Landrum? A No sir.
Q Do you know his family? A Only the boy Ed.
Q Was he grown? A Yes sir.
Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Have you been in business in Neosho Falls? A I have been at it.
Q You don't see when Jim Lewis came there? A No sir.
Q Did you ever say you saw? A No.
Q How often could you get the latest news of Neosho Falls? A Some times every day for a great many days and then wouldn't see him for a week or two.
Q In your time if he lived at just one place or more than one place? Q He lived at more than one place in town there.
Q You don't know really how long you was there? A No sir.
Q You don't know if all his family was there? A No sir I don't know how many he had in his family.
Q You don't know anything about where he lived before he was there? A No sir.
Q You don't know if he owned any property in the Cherokee Nation? A No sir.

ROSS CRAVENS, being first duly sworn by Capt. R. B. Needles, testified as follows on the part of the Cherokee Nation:
( By Direct )
Q What is your name? A Rosse Cravens.
Q Where do you live? A En Vinita.
Q How old are you? A 48 or 9.
Q Did you ever live in Kansas? A Yes sir.
Q Did you ever live in Neosho Falls? A 12 miles from there.
Q At what place? A Iola.
Q Did you get acquainted with a colored man named Jim Lewis there in Kansas? A Yes sir.
Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knewed him.
Q Have you ever seen him since he left there? A Yes sir.
Q Where? A Here.
Q Vinita? A Yes sir.
Q Where is he living now? A North of here the other side of the mill.
Q How long has he lived there? A Between five and six years.
Q When did you see him in Kansas? A About '80.
Q Did he have a family? A Yes sir.
Q Do you know when he came there? A No sir.
( By Smith )
Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
Q Mostly off or on? A Oh every six months or so I would come here.
Q When did you first come? A I come right after the close of the war
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichataw and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though; I did stay a while in Coffeyville
Q Did you ever live in Geneva? A No sir.
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and fairs.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q You have been testifying in a great many freedman cases? A No sir I have only been here twice before.
Q You have been here more than that haven't you? A No sir this makes the tird time.
Q The other day didn't you say—when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
Q Didn't I ask you then to state all the places in Kansas that you were familiar with? A No sir I dont think you did.
Q Didn't I ask you that and didn't you undertake to tell me all the

Places you had been in Kansas? A I named such places as you named, as you asked me about.
Q Didn't you undertake to name every place that you had been in Kansas? A No sir, only those you told me about.
Q Didn't you undertake to name all of those that you had been? A No sir, I didn't answer that question, you asked me if I had been in some places, but you never asked me no such question.
Q You have been in the penitentiary haven't you? A Yes sir.
Q In Kansas? A Yes sir.
Q You pleaded guilty to whiskey selling in the Territory? A Yes sir but I never sold any.

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This will be filed in the original application, D-698 and also in D-698; D-700; D-701 and D-701.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

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P. 1. ery.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1904.

In the matter of the enrollment of Jane Riley for enrollment as a Freedman freedman.

EVIDENCE TO DATE.

Applicants represented by Velotte A. Smith.
Cherokee Nation represented by J. M. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

M. DAVENPORT: What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr, Learned?
A Ever since '57.
Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A By about '68.
Q What were the names of the Landrums that you know there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there?? A Yes sir.
Q Where did they live with reference to wher you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum Lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
Q Did Jack Landrum have a family? A Yes, sir.
Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '80? A Why a fellow named Hanks had come out from Illinois to our place, and we went to fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case?
A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place [illegible]? A Why, yes, sir, Jim Landrum moved to town.
Q [illegible] Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. [illegible] he came back, [illegible].
Q Now from the time you went to Bonaparte Falls [illegible] what in that year? A We went to Bonaparte Falls [illegible]
Q Yes sir. A Came there in '57.
Q Well, now then did Jack [illegible] Landrum move, on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, [illegible] first I recollect of them.
Q Well now then they lived on your father's farm until about then? A Yes, sir, on there in '68.
Q Jack or Jim moved away first? A Jack moved away first.
Q Then do you think how he left the farm? A All I don't know as I could just say when he left. But he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes sir.
Q How many children had Jim when he came on your father's farm? A Didn't have any just married.
Q Did you know what his oldest child's name was? A Yes sir.
Q What is it? A Called her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.
Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.
Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewheres along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETTE: When did you say your people first moved up there? A '57.

Q You remember that do you? A I remember when I first moved there, yes, sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I [illegible] remember.
Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '59.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your peopl moved there, didn't you? A I don't know as I did.

Q Didn't you just swear I can put in the transcript of [illegible] witnesses swear that you remembered what year people moved there in '68, now answer whether you said that or not? A I don't know [illegible].

Q You swear that I can put, read the record.

(Record read).

Q How don't you think that's rather mild testing?

MR. DAVENPORT: I object to that question.

MR. MELLETTE: Don't you think that's rather mild [illegible]?

MR. DAVENPORT: Answer the question, Mr. Learned.

A [illegible] I knew when I moved there in '67?

MR. MELLETTE: Yes, sir. A No, I don't recollect what I moved there in '67.

Q What made you swear it then? A Don't know [illegible] I misunderstood the question.

Q Well I asked the question straight out; how old were you in '68? A About 11.

Q About eleven years old, and you remember the date of the length of time and exactly when those people left there, and every thing of that sort, do you? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being arrested.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me.

Q You're testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said—

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir. I do not.

Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—

MR. DAVENPORT: I object to that [illegible] because that's not evidence of where he was.

MR. MELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—

MR. DAVENPORT: That's no evidence where he was in '68.

COMMISSION: 1880 roll page 121, No. 1681, John Landrum, Cooweescoowee District, Adopted Colored.

MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.

Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q What meeting? A Dark meeting.
Q Who was that meeting? A [illegible]
[illegible] I guess.
Q Well do you remember every body that was at those dances you was 11 years old? A Yes, sir.
Q Who? A Don't know , sir, as I remember, if they didn't live living on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim, where were they in '66? A I couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '66? A No, sir.
Q Of where were they? A I couldn't tell you.
Q Don't know whether they were there or not, is you? A No, sir

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas )
Woodson County. )SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the Octob Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, si I haven't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you didn't he? A I told him where he could find it; to go to Center the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-603, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

I, Margaret Creisinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the reporting and that the same is a true and correct copy of the original transcript.

Margaret Creisinger.

Subscribed and sworn to before me this 8th day of May, 1902.

[illegible]

Notary Public.

FEB 9 - 1905

Cherokee Freedmen D-644
Apl-705, 701, 702, and 1112.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBRUARY 2, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JIM LANDRUM SR., ET AL., as Cherokee freedmen.

It appears from the records of the Commission that on January 13, 1906, the applicants, their attorneys, and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 2, 1906, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Jim Landrum Sr., appears in person and by Attorneys Blue & Bulger.
CherokeeNation by its representatives, Bell, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E.B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A E.B. Moore.

Mr. Blue: The applicant objects to the introduction of the testimony of this witness because the protest and motion for re-opening does not contain his name or any statement to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:
Q What is your post office address? A Neosho Falls, Kansas.
Q What is your age? A My age is 57
Q How long have you lived in or near Neosho Falls, Kansas? A have lived near Neosho Falls, Kansas , every since the year, 1858
Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yessir
Q About what year did you get acquainted with James Landrum? A I get acquainted with him almost immediately after the close of the war.
Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.
Q Do you know whether or not he had a family, at that time? A I think he hadn't at that time.
Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind a stopping with his folks there.

Q Do you remember their names? A Yes sir.
Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
A Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Nelle, I would not be positive about it.
Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him mingling around with that family and another family that lived on our place, their names were Landrum also.
Q Do you know the old man of the family that lived on that place at that time? A I don't remember any old man Landrum, I remember the old lady.
Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Bart.
Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
Q On whose farm? A My brother's.
Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
Q Did you ever see his wife? A Yes sir.
Q Do you know what her name was? A I coulin't tell you her first name.
Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite a while down on Mr. Learned 's farm.
Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
Q About how o ten would you see Jim Landrum after he married?
A I don't know , I would see him like I would any other neighbor in the country, I might see him once a week, and I might not perhaps see him for a month, but off and on.
Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family?
A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, can't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used to know one of his boys, I think about the second child perhaps, his name was Ed. if I haven't forgot it, I aint so very good on names.
Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
Q Have you seen him since that time? A Not until yesterday.
Q Where did you see him yesterday? A On the train as I come in.
Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
A Yes sir.
Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes, sir.
Q While his family was living there , they kept house where they lived? A Yes sir, after they lived there some years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years in a little shanty he called his own, I have been to his house.

Mr. Blue: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

Q For what purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening like and was talking about his family, he was playing a violin, it looked likes there were 8 or 10 there.

Mr. Blue: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.

Q About how long do you think he lived in the town of Neosho Falls after he left the Learned farm? A My judgment would be he lived there 10 or 12 years.

Q What is the population of Neosho Falls? A It is considered 800

Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different.

Q That is what I want to know? A That was in 1880, the town was just about as large as it is now, it was incorporated at that time.

BY MR. BLUE:

Q Do you know my old friend Governor Finney? A Yes, sir.

Q Have you resided there as long as he has? A I don't know when Governor Finney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.

Q What place did you go to Kansas? A We first come on my brother's farm about a mile north of Neosho Falls, we rented and stopped there, my father took a claim afterwards

Q From what place did you come to Kansas? A We came from Indiana

Q You say you resided in Kansas since 1856? A Yes sir 1856 we came there.

Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I know her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum she was the mother of July Landrum, who claimed to be cousin of Jim's.

Q How long had she lived there when you saw Jim about there?

A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.

Q What kind, Indians or freedmen? A Indians and negroes.

Q You didn't know Jim you say until possible in 1868, and you are certain you think you saw him in 1868? A Yes sir, it was after the war.
Q Do you know whether or not he had just come out of the service at that time? A As I understood it he and his brother were in the service.
Q His brother-in-law Dentel? A Yes sir.
Q You understood they had been in the United States service?
A I understood so.
Q You say you were at his house once in Neosho Falls? A Yes sir
Q Who was this man you say that he rented from? A He lived on Learned's place, that was three miles below me, I don't know whether he rented or worked by the month.
Q Do you know Colonel Leonard of Lawrence? A No sir.
Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked withanybody until I saw Mr. Keys , he came up there and asked in regard to him.
Q Judge Keys? A Yes sir.
Q When was that? A That was about three days ago I think
Q At whose expense are you here? A Why his I presume
Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoenaed

Commission: Objection noted.

Q Have you been subpoened to come here? A Yes sir.
Q Have you been paid or expect any remuneration? A I expect my witness fees.
Q It has been a good while since 1868? A Yes sir.
Q 40 years about now? A Yes sir.
Q You say you saw Jim Landrum yesterday? A I saw him on the train.
Q Did you speak with him? A No sir, I didn't see him until I got up to go out, about three seats behind me.
Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
Q That was yesterday's evening train? A Yes sir.
Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
Q You don't know as to the title to it? A No sir, I don't know as to the title.
Q You simply know that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
Q Can you tell me what year that was? A That was in, he lived there several years, he must have lived 10 years before he come up there, I don't know as I can call the year as that especial---
Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890
Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
Q How long? A Perhaps 4 or 5 months
Q In what county is Neosho Falls? A In Woodson County
Q Have you ever resided in any other County than Woodson County, Kansas? A Yes sir
Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Eureka, Greenwood County.

Q Did you keep hotel in all these places? A Well in Cherryvale and Neosho, but in Galena I ran a restaurant there.
Q You said a moment ago Galena, Coffey County, you don't mean that do you? A No sir, I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I know when I come to think of it.
Q You say at one time that Jim Landrum lived on your brother's place? A No sir, I didn't say so.
Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father with his family lived on his place when he first came there.
Q You say when you first knew Jim he wasn't married? A No sir
Q He didn't have any family or wife that you knew of at that time?
A No sir he was just visiting his relatives.
Q You said awhile ago he was mingling or visiting around there, how long did he continue to do that way? A I don't know anything much about him at that time.
Q At that time he didn't have any permanent place of abode? A No sir.
Q Did you know a man by the name of Asa Saferite? A Yes sir.
Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at LeRoy, and runed a mill in Coffey County.
Q Did he come over into Woodson? A Yes sir
Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls
Q Isn't it a fact that the old lady Landrum lived on his place?
A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
Q Did you know Dr. John Jones? A Yes sir I used to and know him yet.
Q Does he live there yet? A No sir.
Q Where does he reside now? A He is in California somewhere
Q As a matter of fact wasn't this little shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
Q You don't know about that? A I told you before I don't know about the title.
Q Do you know who the title was in? A I understood it was his.
Q Who' ? A Landrum's.
Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir, I understood it was Landrum's.
Q Did you ever see the title to it? A No sir
Q What is the personal knowledge that you are speaking from?
A From general information as a man would naturally gather.
Q That is you saw it? A No sir, I never examined the records.
Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

Q Not but a conference with the Chanute Attorneys have you?
A Why only with Mr. Keys.
Q After you came here? A Well I met them and were introduced to them.
Q You talked this matter over with them and other witnesses in the case? A I had some little conversation.
Q And Mr. Learned and other witnesses talked this matter over?
A I don't remember the gentlemen's names, Mr. Hastings and Mr Davenport.
Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
Q At the time you say you first saw Jim Landrum you were only a boy? A I didn't say I was only a boy, but I wasn't very old.
Q Not over 17 or 18? A About 15.
Q Were you married at that time? A No sir.
Q Have you since married? A Yes sir.
Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it, I rent it out, I am a farmer, if anything.
Q What did you say this old lady Landrum's name was? A I understood it was Charity.
Q You say she had a son named what? A I understood those were her children, one named July and one Sam
Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember scaring him a good many times, and I have reason to remember him very distinctly.
Q Do you know whether that family of Landrum's were any kin to Jim?
A All I know is that I understood they were related.
Q You don't know sir? A Don't know, I haven't looked up the family record.
Q How long did you remain in Woodson County after 1865? A That has been my home since I came to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893, I have been there.
Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
Q You mean that in Woodson County? A Yes sir, Neosho Falls, I have always been in touch, I always took the paper.
Q From 1893 until a year ago, you didn't reside in Woodson?
A I didn't reside there.
Q Then you left in 1893 and lived in different places? A Now in the meantime during that spell I was back a year, I came back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
Q You went away in 1893 came back and stayed a year and then was away in 1901, and come back last year? A Yes sir.

BY MR. DAVENPORT:
Q Do you mean you went away in 1893? A I went to Cherryvale in 1893
Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I got mixed up. I went away to Cherryville in 1897, and I was away about three years and I was back then in 1901.

Q Then when you said [illegible] I haven't, don't you didn't mean it?
A No sir, I meant that, I was only about six years old.

BY MR. [illegible]:

Q What hotel did you keep in Cherryvale? A I rented what was called the Lagan House, near the Kansas Depot at that time.
Q What hotel did you run in Fredonia? A That was called the Fourth Avenue, right north of the public square opposite the Court House.
Q Then you went from there to what place? A From there home, back to Neosho Falls.
Q Did you only run the two hotels? A I was at Galena awhile.
Q What restaurant did you run at Galena? A I runed the Silver Moon, I wasn't there very long, about four months I believe.
Q Do you say you were some place in Crawford County, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:

Q You say you first got acquainted with the applicant here, Jim Landrum, in the fall of 1866? A That is when I knew of him, I stated I believe I might have known him in the fall of 1865, but to make positive I knew him in the fall of 1866 and 1867.
Q How far was he stepping from where you were staying? A As I said I hardly knew where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.
Q How often did you see him from the fall of 1868 up during the winter of 1867? A I couldn't tell you how often.
Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.
Q When was he married? A I didn't state, I understood he was married about 1868.
Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.
Q You didn't know his wife prior to her marriage to him? A No sir
Q Have you known this applicant continuously here until he removed away some 7 or 8 years ago? A Yes sir.
Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.
Q You never heard of his coming away or moving off? A No sir, never did.
Q Did you know of his ever being considered a citizen up there? A Yes sir, he voted at Neosho Falls up there.
Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.
Q Did you ever talk with him anything relative to his being absent from the state of Kansas, ever hear him say anything about that? A Never did.

BY MR. [illegible]:

Q Were you at his wedding? A No sir.
Q Then you don't know anything about when he married only by heresay? A As I said I understood he married about 1868.
Q That is heresay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

Q You don't know who he married? A [illegible] sir.
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers locations at different times.
Q You say you deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the polls and vote.
Q You just said a moment ago you have seen him at divers time, now as a matter of fact, you never saw him deposit his vote?
Q No sir, I would not say that as I saw him hand his vote.

MR BLUE: I object to this mere hearsay testimony and ask to have it stricken out.

COMMISSION: Objection noted.

Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him, if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he come to the territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1898
Q Do you know that personally? A That is I tell you I was away I went away in 189? and he went after I did.
Q Then you were not there when he left? A No sir, I was there, he wasn't there when I come back.
Q That is about the information you have about it? A That is all the information I have got, as I have.

C. W. LEARNED, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A C. W. Learned.

MR. BLUE: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the protest and motion for re-opening.

Q What is your age? A 49

Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas?
A Ever since 1857
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him?
A 1868 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first came there, he was just married.
Q Do you remember his wife's name? A Margaret.

Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 18 years I think.
Q Did they have any children? A Not when they first came.
Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir
Q Do you know about how many? A No not that I know of as how many.
Q Name them as near as you can in relation of their ages, the oldest ones first? A Her name is Alice, they called her Babe.
Q Do you remember the next oldest? A There is one named Ed a boy, one named Frances, she was named af er my mother.
Q You say Frances was named for your mother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
Q What was you said about seeing them in the hall? A Yes sir, I saw them in the hall awhile ago.
Q They are present here to-day? A I saw three of them here awhile ago, Alice, Sis and Lit.
Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here (indicating the applicant, Jim Landrum).
Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir, I think they were.
Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
Q Since you got acquainted with Jim Landrum and his wife in 1868 have you resided in or near Neosho Falls, Kansas? A. All the time yes sir.
Q What business during that time have you been engaged in, if any?
A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
Q Did you see them after they moved to town? A Yes sir
Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two differ nt parts, in the north part awhile and then in the east part down at what is called Simmon Grove.

BY MR. BLUE:
Q You say you live in Neosho Falls? A Yes sir.
Q And have resided there how long? A Since 1857
Q Were you there when President Hayes visited Neosho Falls?
A Yes sir.
Q Were you there when Governor St. John introduced him? A Yes sir
Q Do you know my old friend, Governor Finney? A I guess so have known him ever since I have been there, I think I heard you speak at Yates Center.

Q You have testified to some children here, were you present at the birth of any of these children? A No sir.
Q About what year was it when you first met Jim Landrum? A 1898.
Q You didn't know him prior to that time? A I couldn't say, no sir.
Q Was he a married man when you first became acquainted with him? A Yes sir, he came to our house to work.
Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
Q Did he live in a cabin or a little shanty on the land there? A Yes sir.
Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A, No sir, I went to school with some of them.
Q Did you have mixed schools up there in your district? A Yes sir.
Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
Q How old were you then? A About 12 years old.
Q You were a mere boy? A Yes sir.
Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
Q When did you say Jim left your father's place? A I said he was there about 18 years.
Q On your father's place? A Yes sir.
Q And then moved to town? A Yes sir.
Q Were you living in town when he moved to town? A I aint sure whether I was living in town or in the country then.
Q You say you are merchandising now? A Yes sir, I have been for about four years.
Q In Neosho Falls? A Yes sir.
Q Priert to that time you have been a farmer? A Farming and buying cattle.
Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1901
Q Are you acquainted over at Yates Center? A Yes sir.
Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
Q Do you know Mr. Waymore over there? A Yes sir, he is a druggist.
Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here?
A When do you mean, this time.
Q Have you been here before? A Yes sir
Q When were you in the Territory before? A I was down here in 1902.
Q For what purpose were you here then? A For the same purpose I am here for now.
Q To testify for the Cherokee Nation in these applications?
A The same as I am now.
Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
Q How many cases have you testified to at different times on behalf of the Cherokee Nation? This is the second.
Q What were the other case? A The same thing.

Q So you mean to that that this is the second time you have testified in this one case? A This Landrum case, yes.
Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
Q When was your attention first called to the testimony that you would give in the Landrum application? A I don't know when it was when Mr. Keys was there but sometime in 190[illegible].
Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
Q Where was it, at Muskogee? A Here yes sir in Muskogee.
Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
Q Have you conversed with the Cherokee Attorneys since you came here this time? A No.
Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
A I think they were talking some in here, Keys talked to me up there.
Q Keys talked to you about the matter in Kansas? A Yes sir.
Q Did you have more than one conversation with him about it? A I think we talked several times about it.
Q Did you see him more than once up there? A I saw him twice, this time and the other time.
Q Then you saw him in 190[illegible] and recently did you? A Yes sir.
Q Each of those times you talked the matter over with Judge Keys, did you? A Yes sir.
Q What compensation do you expect to receive as a witness in this case? A I suppose that is left with them.
Q Have you been subpoened here as a witness? A Yes sir.
Q Do you expect any other compensation that you expect to receive for your mileage and your transportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:
Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:
Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neosho Falls at that time? A Yes sir out district school and city schools are all mixed.
Q You were going to the District school at that time? A Yes sir.
Q Do you recall any especial instance that you positively know that you met Jim Landrum? A Yes sir, on account of a man named Booth Hanks, that got into trouble.
Q Who was it that he got into touble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
Q Who didhe have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
Q Do you know whether Jim was a witness in the case? A I do not.
Q Have you examined the Court record to know whether that was in 1868? A Yes sir.
Mr. Blue: I object, the record is the best evidence.
Commission: Objection noted.
Q Did you know him before that time? A I might have known him but I recollect that on account of thattrouble

BY MR. BLUE:

Q Were you in town when this conversation took place between Booth and Jack Hanks? A Yes sir, I was present there with them.

Q You spoke of something getting into trouble about getting into the store, what was that? A That was Hanks.

Q How was that with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.

Q Was Hanks a white or colored man? A A white man.

Q What year did you say that was? A In 1866 I believe.

Q Do you know what month in 1866? A I think it was the last of August or the middle of September.

Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?

A It wasn't very long, I don't know exactly.

Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.

Q Did Jack Landrum also live on your father's place? A It was my father's brother's place.

Q Well it wasn't your father's place? A Not where Jack lived.

Q How close was it to your father's place? A Joined the line.

Q What was going on over there amongst the colored folks? A They were having a meeting.

Q A religious meeting? A I think so.

Q And this man Booth tried to disturb it? A Yes sir.

Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.

Q Do you know whether there was a minister there or not? A No I don't.

Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.

Q They were having preaching over there at that time? A Yes sir.

Q Was there a meeting house there? A No sir, it was out in the woods.

Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.

Q Can't call the names of any of them? A No sir.

Q You don't pretend to say Mr. Learned that Booth Hanks was arrested for disturbing their worship? A No sir.

Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.

Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A J. A. Lynn.

Q What is your post office? A Neosho Falls, Kansas

Q Your age? A 54 last september.

MR BLUE: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness in the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said notice and protest, and the applicant has had no notice of the presentation of this witness upon this application.

MR. [illegible]: The representatives of the Kansas Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The Nation expects to prove by a number of Arkansas Learned and by a num-ber of other witnesses whose names are not now possessed, that none of the applicants herein returned to the Kansas Nation prior to February 11, 1867, but at that time resided in the State of Kansas, where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, put in force by the United States Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your motion.

MR. TUTE: The Attorney for the applicant objects further for the reason that the paragraph in said protest and motion is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

COMMISSION: Objection noted.

Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.
Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.
Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.
Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.
Q How many years was it after the war, or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him-----
Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.
Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.
Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.
Q Did he continue to live on the Learned farm all this time? A
A No sir.
Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't ~~just~~ say just what year he moved away from there.
Q Can you say he lived there one year or six months after you got acquainted with him? A He lived there several years.
Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.
Q Do you remember the names of any of them? A I remember the names of three.

Q What were they? A Alice, Samuel, called John, Ed and Frances

Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
Q When did you see him first since then? A Last night.
Q Have you seen his photo last night? A Yes sir.
Q Where? A Here in the room.
Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognize since I have seen the children to know them, I was only better acquainted with Ed.
Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer, I lived on Williams and he lived on Homer Learned's farm. He lived on the southwest bank of the lake and I lived on the north bank.
Q How often would you see them during the time you lived on the Learned farm? A I don't know that is a hard question to tell how often I saw them.
Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
Q You think he moved away from Neosho Falls, Kansas about what year or how long ago? A About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. BLUE:
Q What is your business? A Farmer.
Q You spoke of having taught school? A Yes sir, I taught school eight months one summer.
Q You came, you say to Woodson County in 1864? A Yes sir.
Q Have you resided there ever since? A Yes sir, my home has been in that same school district ever since.
Q That same school District, do you mean by that the School District in which you taught? A No sir.
Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
Q What remuneration do you expect for testifying here, if any? A Nothing more than my mileage and fees.
Q Who has talked with you with reference to Jim Landrum up there? A Mr. Learned is the first one.
Q You and Mr. Learned talked it over some did you? A Yes sir
Q Have you talked it over with Mr. Learned since you came here? A Yes sir, as we came down.
Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
Q You know Mr. Hastings, the gentleman there behind you? A Yes sir.

Q You know Mr. Learned? A I met him here.
Q You know Judge Hays? A Yes sir.
Q He came up to your county? A Yes sir.
Q You know Judge Hays and Mr. Learned? A Yes sir.
Q Was this matter ever suggested to you, to what you would testify in this case by Judge Hays? A He asked me about the case of murder.
Q When was that, the first time? A Day before yesterday.
Q Did you ever see him before that time? A Not to my knowledge.
Q Then you talked the matter over with him up in Wyandotte County?
A Yes sir.
Q And you and Mr. Learned have conversed it over since that time?
A Yes sir.
Q You say you recognized Jim Landrum here this morning? A Yes sir.
Q He is the same man you think you saw up in Kansas? A Yes sir
Q You say you didn't know much about his children, do you remember the name of his oldest? A I think it was Babe as far as I know or Alice.
Q You say you know Ed? A Yes sir.
Q Did you know any of the rest of them? A Just as a person would know his neighbor's children, Ed, I have worked with him.
Q Has it been sometime ago since you saw any of them? A Yes sir quite a while, I think it has been 16 or 18 years since I saw him.
Q How old were you in 1864? A I was 14 years old, I was born in 1850.
Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer and part of the next winter.
Q Then you knew Ed while you lived on that farm, I mean Jim?
A Yes sir, I knew him.
Q After he moved to town you didn't know so much about him?
A But I saw him frequently.
Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
Q That is what I mean? A Yes sir.

BY THE COMMISSION:
Q Can you give the Commission an idea as to how long it was after you went to Kansas until you got acquainted with Jim Landrum?
A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
Q When did you go on the Learned farm? A I went on the Learned place in November of 1876, I was acquainted with him long before that, but I couldn't say how long.
Q Several years? A Yes sir.
Q When did you teach school in Kansas? A I began in the winter of 1872.
Q Did you know him at that time? A Yes sir, knew him before that.
Q Where were you living in 1872? A My home was on the , right there on Section 27.
Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
Q You knew him continuously then up until he left Kansas?
A Yes sir.

W. S. WHITE, being recalled for further direct examination, testified as follows:

BY MR. BLUE:

Q Mr. White have you ever testified in any other of these applications for enrollment in the Cherokee Nation? A No sir.
Q Is this your first testimony in any of them? A It is.
Q Have you ever been in the Territory before? A Yes sir, about five years ago.
Q Were you here before for the Cherokee Nation? A No sir, I was really afraid to come down her, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)?
A I think that is part of Landrum's family.
Q Which one? A I never knew their names, don't suppose I would if they had lived in Neosho Falls up to now.
Q Could you swear that they are his family? A I don't know whether it is or not.
Q You don't know anything about that, only whether it is or not?
A I aint sure about these.

BY MR. HASTINGS:
Q You are ready to recognize Jim Landrum there? A Yes sir

BY MR. BLUE:
Q Do you know this young man here (indicating)? A I don't know as I do.

C H E R O K E E N A T I O N R E S T S.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows: Witness being sworn by Wm. O. Beall, Notary Public.

BY THE COMMISSION:
Q What is your name? A Charles Lynch.

BY MR. HASTINGS:
Q Have you ever beenconvicted of anything? A Yes sir.
Q What? A Railroad robery, Fort Smith, Arkansas.
Q Convicted in the United States Court there? A Yes sir.
Q When? A In 1887.
Q In 1887? A I think it was.
Q Were you convicted in Judge Parker's Court? A Yes sir,
Q robbing a railroad? A Yes sir.
Q What was you convicted for? A Yes sir.

MR. HASTINGS: Comes now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

COMMISSION: Objection noted.

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MR. [illegible]: The record is the best evidence of the offense with which this party was charged, it charged, and of his conviction if there was any.

MR. [illegible]: In answer to the above answer of Attorney for applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness can be impeached by his own mind that he was convicted, and it is the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if it were the rule that the record would have to be gotten in each case, then no witness would ever be disqualified from testifying, because it would be impossible for attorneys representing law firm sits to go around all over the United States the record of the conviction of every person in their pocket ready to be drawn out on that party ready to take the stand.

COMMISSIONER: Objection noted/.

BY MR. [illegible]:

Q Were you pardoned? A No sir.
Q Do you know the applicant, Jim Landrum? A I do.
Q How long have you known him? A I have known him since '67.
Q Where did you first see him, do you recollect? A On Grand River.
Q In the Cherokee Nation? A Yes sir.
Q About where on Grand River, if you remember? A It was on the south side of Grand River, in Saline District.
Q Was he married at that time, if you remember? A I don't really know whether he was or not.
Q Do you know his wife? A I do, yes sir.
Q Are you acquainted with his family? A Yessir.
Q About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
Q Do you know the names of any of his children? A Yes sir I know the names.
Q You may give the names as far as you can call them? A The oldest one is Ed Landrum, Alice Landrum, Belle Landrum, and boy named Johnnie
Q Do you recall any other? A There are quite a number of little ones, I disremember all their names.
Q Where has Jim Landrum and his family resided since you first became acquainted with him, if you know? A Part of the time when I first knew him on Grand River with his father, helped him make his place down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the next time I saw him his wife was with him, two or three of the children, and goes back again away from there, I don't know about 12 or 15 must have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he was back and forth he better known himself, I don't know.
Q Has he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

Q After he returned to Vinita as you stated, did he remain there continuously from that time until now? A Yes sir.
Q Now about his wife and children, were they there also during that time? A Yes sir.

BY MR. [illegible]:
Q How old are you Charley? A 44 3rd day of last January.
Q You saw Jim Landrum you say in the Cherokee Nation in 1867?
A Yes sir.
Q How old were you then? A I was just a boy
Q Well how old were you? A I was about 8 or 9 years old
Q What makes you remember that it was in 1867? A Well what makes me remember has to at that day and time there wasn't very many people around there and when one came around there and was made acquainted he coming backwards and forwards a person would not forget them.
Q Had you known Jim Landrum before the war? A No sir.
Q Then you were not very well acquainted with him? A Not until he came there that time.
Q Did he stay at your house where you were living at that time.
A About a half mile from there.
Q You have never testified in this case before have you Charley?
A No sir.
Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1867? A I didn't say cause I don't know.
Q Who were you living with at that time? A My dada and Mamma.
Q What was your father's name? A Simon Lynch
Q And you remember at the age of about 7 years of seeing men who came to your father's house 37 years ago do you? A I suppose so if it was that number of years, haven't counted it to see how long it is.
Q Jim Landrum has been living there in Vinita for a number of years?
A Yes sir.
Q And has been having this contest as to his citizenship? A What contest.
Q Ever since he has been in Vinita his citizenship has been pending?
A I don't know.
Q You have lived there near him ever since he came there in 1867?
A I don't know.
Q He wasn't living in Vinita when the Kern-Clifton roll was being made in 1896? A I don't know.
Q You were living there were you not? A Yes sir living there longer than that.
Q Don't you know he wasn't living in Vinita in 1895 and 1896?
A I don't know anything about that.
Q Don't you know when the testimony in freedmen cases was taken Jim Landrum wasn't there? A I don't know.
Q Can you tell me within three years of what time Jim Landrum moved from Neosho Falls, Kansas, to Vinita? A I don't know.
Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1867?. A Yes sir.
Q Well who was it whose family wasn't living there that you say?
A That his family were not living there?
Q Yes, a man you came to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

Q Tell me another man that had an family that lived in that country who was helping the fall of coming a farm in 1867? A I don't know.
Who was Jim Landrum's father? A George Landrum.
Q Was George Landrum living on Grand River in Saline District in 1867? A Yes sir.
Q What part of the year of 1867 was George Landrum living in Saline District on Grand River? A In the fall of 1867.
Q It was in the fall of 1867 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you claim? A Yes sir
Q How long had you been living there near where you saw him?
A 12th day of March, 1866, is when my father moved there.
Q Do you remember it? A I do.
Q You had been to Kansas to haul goods? A No sir.
Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1867? A No sir.
Q What do you mean by no sir, whether he was or wasn't? A I am not positive of his being there but he hadn't made no farm before that.
Q Had you see him in the Cherokee nation before the fall of 1867?
A No sir.
Q You say he went away from there and was gone how long? A I didn't say cause I don't know.
Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.
Q Did you ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita?
A No I never knowed them to move.
Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life
Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.
Q When was that? A That was sometime after ' 67
Q It was sometime between 1867 and February 2, 1905? A Yes sir
Q Ed is not living in the Cherokee Nation now, is he Charley?
A Not that I know of.
Q Did he ever live here? A Only as I saw him with his mother, when they came over and stayed awhile.
Q When was the last time you ever saw him in the Cherokee Nation?
A It has been about a year I reckon.
Q How long in 1902 when he came down here and made his application? A I saw him 9 or 10 months ago.
Q Are you any relation to Jim Landrum? A No sir.
Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.
Q You didn't come down here as a witness in this case? A Yes sir I did.
Q What did they know about what you were going to testify to?
A I never saw him attorney.
Q Do you know anything about Jim Landrum and his family living at Neosho falls, Kansas, for years? A I don't know anything about it, couldn't tell you.
Q When did you first see Alice up there? A Long time ago
Q When did she first move to the Cherokee Nation to live?
A I saw her when she was a miner with her father and mother.

Q Who else lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson
Q Tell me one that is not dead, if you know, can you tell me one that is living now that lived over there then? A Yes sir
Q Who is it? A Andy Frye.
Q Can you tell me a freedman or, white man that lived in that country at that time, who is now living? A I tell you who lived over there, that house boy
Q Did they have a game? A Dice and fate.
Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along them times there wasn't any mail.
Q You mean there were no letters in 1867? A Not around us, no place to get any.
Q Didn't you have no places where you went to town? A Had a country store out there named it Johnson Thompson's
Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I know of.
Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
Q Was Johnson Thompson living on Grand River where he afterwards or sometime after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
Q Would you not remember as much about a store being run in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
Q Jim Landrum came to Vinita in what year Charley? A I couldn't tell you.
Q Do you know where he came from when he moved his family to Vinita?
A No sir, I don't.
Q You hadn't seen him for years? A No sir, several years.
Q And to your knowledge he had never kept house in the Cherokee Nation until he moved his family to the Cherokee Nation? A Only with his father.
Q He wasn't keeping house with his father? A He stayed there off and on.
Q How much was he off and how much was he on? A I couldn't answer that question.
Q Did he make a crop with his father in 1867? A No sir.
Q Did your father make a crop in 1867? A Yes sir.
Q What farm did he live on at that time? A Same one he lived on today.
Q What was it known then? A He made it.
Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY MR. [illegible]:

Q You say you were 66 years of age the second day of last January?
A Yes sir.
Q Then you were born in January, 1861? A That is correct
Q At the time when that you saw this applicant you were six years of age? A About, yes sir.
Q And you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A I do.
Q Had you ever been to school before that time? A No sir.
Q Never had? A No sir.
Q He lived about a half mile, stopped there from where you lived?
A Yes sir.
Q And you a boy 6 years of age remember of seeing him? A I do
Q How long do you think he remained in that neighborhood after you saw him in the fall of 1867? A The best of my memory he remained there the best part of the winter.
Q Then how many years elapsed before you saw him again? A Several years, I don't know.
Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
Q 2 or 3? A Something less than that.
Q 3 or 4? A I would not say positive.
Q Was it as much as 3 years? A No It wasn't as much as 3 years.
Q About three years? A Something like that.
Q Then is when he came back with his wife? A Yes sir.
Q How many children did he have? A He had three if I remembdr
Q How large was the oldest one? A Just small children, they wasn't very big.
Q Was the oldest one 3 or 4 years old? A May have been I don't remember.
Q They had three children? A Yes sir.
Q They were not triplets, they were not all the same age? A No, ne big and little and down to that Alice one.
Q Then when do you think you saw him again? A I didn't say, I don't know.
Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
Q When did you next see him? A I saw him down there.
Q Came down there some place to that neighborhood? A Yes sir.
Q He never lived down in that neighborhood? A Not only for a time
Q He was there foe a short while or some months? A Yes sir
Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew of him keeping house with his family?
A Not outside of where I stated.
Q At Vinita? A Yes sir.

CLORA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. BLUE:

Q What is your name? A Clora Foreman.
Q Where do you reside? A Vinita.
Q How long have you lived at Vinita? A I have lived at Vinita about 20 years.
Q Do you know Jim Landrum the applicant in this proceeding?
A Yes sir.
Q How long have you known him? A Known him all my life
Q What relation are you to him? A He is my brother.

Q Where were you about 1887? A Fort Gibson.
Q How long have you resided at Fort Gibson, or how long did you reside at Fort Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know. How many years I did live there.
Q When did you go to Vinita? A It has been about 20 years ago
Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1887, when he came and stayed with me down to Fort Gibson
Q Are you able to state about what time in the year 1887 you saw him at Fort Gibson? A It was in the spring, I couldn't tell just what day and what month but I think it was along about July, him and my husband was making hay together.
Q What was your husband's name? A Lester Freeman.
Q Where were they making hay together? A Near Fort Gibson, out there for the Government I think as near as I can remember.
Q How long did Jim Landrum remain there about Fort Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4, months down there.
Q Do you know where he went after that? A He left there, said he was going to Grand River.
Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
Q Do you know where his father resided at that time? A Yes sir.
Q About where was it? A It was at the Island Ford on Grand River.
Q Now after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
Q Are you able to state when you moved to Vinita? A Yes sir
Q If you remember when you came to Vinita to live please state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down.
Q Have you been residing in Vinita ever since that? A Yes sir
Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him ever once in a while.
Q Can you give it any more definite than that once in a while?
A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
Q When he came down to Fort Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir, he was married.
Q Was his wife along with him? A No sir.
Q Do you know his wife? A Yes sir, I know her now.
Q Did you know her at that time? A No sir.

Q Do you know his family from personal ? A Yes sir.
Q Do you know all their children? A I know them now, I didn't know them very, I moved up to Vinita.
Q Are you able to give the names of all of them now?
A There are so many I couldn't swear whether I could or not.
Q Do you know them all when you see them? A Yes sir, I know all the oldest ones pretty.
Q During this time, from the date of your leave for at Vinita until now have you known his wife? A Yes sir.
Q How often have you seen her since you went to Vinita until now?
Q Right now I see her most every day cause we live close together, but before that I couldn't see her only every once in a while, about a year during the time she had her children schooling there in Kansas, and she would sail come back along about in the fall in vacation, she would come back down on the river.
Q How long, if you can recollect has Jim Landrum lived at Vinita ?
A He hasn't lived there but about 5 or 6 years since he lived at Vinita since the payment.
Q What payment do you refer to? A The strip payment
Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
Q Do you remember whether or not he resided at Vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm up there close to my father's place.
Q Were you ever out at your father's place on Grand River? A
A Yes sir.
Q There more than once? A Yes sir.
Q About how often did you go out to your father's place? A Not very often, once in a while, about a year or two apart.
Q Did your father have that place on Grand River when jim came down to Fort Gibson to help put up hay? A Yes sir.
Q Had you been there before that time? A No sir.
Q Were you there soon after that time? A Yes sir, very soon.
Q Do you know whether or not that place is still maintained there
A Yes sir.

BY MR DAVENPORT:
Q You say that Jim's wife had the childrrn up in Kansas at school?
A Yes sir once I have been to Vinita she has.
Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
Q I will ask you if Ed wasn't born in Kansas? A Yes sir.
Q If Frances wasn't born in Kansas? A I just tell you like I said
Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
Q Were they living in the Cherokee Nation when Hattie was born?
A I don't know whether they were or not.
Q Was Johnnie born in Kansas? A I don't know.
Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
Q At what place did he have all those children that I named living with him on Grand River? A At Uncle Jeff Lyon's his wife's father.

Q Were you living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Ralph, Jesse and Johnnie? A I don't know whether they were living there or not, they were out there, I couldn't say that they were living there.
Q You have told me that he at one time lived out there with these children, now I want to know what year that was if he lived out there with these children? A I couldn't tell you what year it was, but it was after the Wallace payment.
Q How long after the Wallace payment? A I don't know sir how long they lived out there.
Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.
Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir
Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.
Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A Yes sir, I was living there Don't you know he moved direct to Vinita from Neosho Falls?
A They were going to school up there?
Q The older children had gone to school quite a long time if they had gone to school all the time they stayed in Kans s did they not? A Yes sir, I guess so.
Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.
Q Do you know anything about where they were living? A No sir
Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.
Q Never did visit them while they were up there? A No sir.
Q They were not living in Vinita when you went to Vinita? A No sir
Q They were not living on Grand River when you went to Vinita,?
Q No sir, they were not there then , he was there but the family was up in Kansas.
Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.
Q Did you ever visit the family when they lived on Grand River before you moved to Vinita? A No sir.
Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.
Q That is heresay? A Yes sir.

BY MR. BLUE:
Q Were you present at the birth of any of the older children ?
A No sir.
Q Did you ever visit his people while they were in Kansas sending the children to school? A No sir, I never did visit them at all, until they lived at Vinita.
Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I dont.

BY MR. MAYHEW:

Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Luster make that hay? A No sir, I never saw of him.

He was your brother? A Yes sir.

Q They stayed in Kansas from about 1867 up until 1897 sending their children to school, is that a fact? A I don't know sir.

Q You spoke about them going up there to send them to school?

A Yes sir.

Q And the older children went to school about 30 years, is that a fact? A I couldn't tell you how long they went to school.

Q They were up there raising them to wasn't they? A I guess they were.

Q But when they went there there was a number of the children in existence were they? A There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.

Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir, I guess they had children.

Q Did Jim Landrum have any children by his wife living in 1867 when you say he came down there and helped Luster put up hay?

A Yes sir.

Q What was its name? A Ed and Alice.

Q He had two children then? A Yes sir.

Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.

Q How big were they in 1867? A I don't know.

Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir, Alice was I know.

Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867?

A I don't know .

Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.

Q You didn't see the children? A No sir, I didn't see the children at all.

Q The children were not born before the war? A No sir.

Q They were not married before the war? A No sir.

Q The war closed in 1865 didn't it or do you remember what year?

A Yes sir.

Q Were they married before the war closed, Jim and his wife? A

A Yes sir they were married just after the war closed.

Q That would have been in 1865., don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn't say they were sending them to school then.

Q Did n't you tell me a moment ago that they went back there to send those children to school? A I said Jim said his wife was sending the children to school in Kansas.

Q She wasn't down here? A No sir.

Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.

Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.

Q And didn't you say they went back to Kansas to send his children to school? A Yes sir.

Q And you also said that Jim said his wife was up there educating his children? A Yes sir.

BY MR. RUSH:

Q Was Jim's wife with him when he came down there to put up hay
A No sir?
Q When didyou first see Jim's wife? A I never saw her until, after I moved to Vinita, she brought the children down and went out to her father's.
Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.
Q Do you know anything about their sending those children to school in Kansas you self? A No sir.
Q All you know is what your brother Jim said? A Yes sir.
Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.
Q Do you know where he was married? A No sir I don't know myself
Q You were not at his wedding? A No sir.
Q You don't know anything,about that except what you heard?
A No sir, he was married after I left up there
Q Left up where? A Kansas, he married at the Falls after I left
Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.
Q You don't remember about when that was? A No sir, I don'tm know what year it was.
Q Now what do you mean when peace was declared? A When they said we could go home, the war was over.
Q Do you know when the fighting ceased in the Nation ? A Yes sir
Q Do you remember what year it was? A In 1865 I suppose,
Q 1865 when they ceased fighting down here? A Yes sir
Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.
Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.
Q And all you have said about the children going to school up there is what you heard? A yes sir.

BY MR. DAVENPORT:

Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir, I went up there in time of the war
Q Then you came back from Neosho Falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:

Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.
Q You understood from him that his wife was up in Kansas?
A Yes sir.
Q Did you understand from him at that time that he had some children? A Yes sir, I believe he said he had two.
Q Did he name them? A Yes sir.
Q What did he say their names were? A Alice and Ed.

Q Would they write to you while they were up in Kansas?
A No sir didn't know what writing was then.
Q You say you never sent us to visit them? A No sir.

BY MR. BLUE:
Q All you know about his being married is what he told you?
A Yes sir, that is all I know about it.

CASE CLOSED.

George H. Lesley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(SIGNED) GEORGE H. LESLEY

Subscribed and sworn to before me this 9th day of February, 1905.

(SIGNED) CHARLES H. SAWYER
Notary Public.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 15" day of February, 1905

M Campbell
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the cases of ---

| | |
|---|---|
| Jim Landrum Sr. et al., | Cherokee Freedmen D-414. |
| Frances Banks, et al., | Cherokee Freedmen D-476. |
| Belle Landrum | Cherokee Freedmen D-700. |
| Alice Lynch, et al., | Cherokee Freedmen D-701. |
| Lissie Allen, et al., | Cherokee Freedmen D-702. |
| Ed Landrum, | Cherokee Freedmen D-1113. |

ORDER.

On September 14, 1904, there was filed with this Commission, by the Cherokee Nation, a motion praying that the consolidated cases including the applications of Jim Landrum Sr., and others, and in which this Commission had, on August 29, 1904, rendered its decision herein enrolling said applicants as Cherokee Freedmen, be reopened, in order that said Nation might introduce newly discovered evidence tending to disprove the rights of said applicants to enrollment as Cherokee Freedmen.

After careful examination and consideration of the motion herein filed, and testimony heretofore taken in this case, said motion is granted, and it is ordered that the consolidated case including the applications of Jim Landrum Sr., and others, be, and the same is, hereby reopened for the purpose of permitting the Cherokee Nation to introduce newly discovered evidence tending to disprove said applicant's rights to enrollment as Cherokee Freedmen, and for the applicants to introduce in rebuttal such testimony as they may desire.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
DEC 19 1904

# AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Lizzie Allen for enrollment as a Cherokee Freedman.

No. F D 702

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Lizzie Allen whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Lizzie Allen, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 28 day of Sept A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
2 1901
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of Lizzie Allen for enrollment as Cherokee Freedman.

Case No. F D 702

To Lizzie Allen Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R B Bell

N. M. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

Received of the Commission
to the Hon. Michael Fitzy, one
copy of the testimony in Charles
Freeman & Jerry Lyons cases

July 15/04

[illegible]

C 42702

IN RE

Application for Enrollment of

INFANT CHILD

Emma Sandman

as a citizen of

Cherokee Nation

Approved August 1 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Aug 1 1901

Chairman.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation of Emma Landrum born on the 13 day of June, 1889, father of Person James Langford, a citizen of the United States, mother of Person Lizzie Allen, a citizen of the Cherokee Nation, Postoffice Vinita I. T.

## AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Lizzie Allen, on oath state that I am 27 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of James Langford, who is a citizen, by ____ of the United States Nation; that a female (Male or Female) child was born to me on 13 day of June, 1889 that said child has been named Emma Landrum, and is now living.

Lizzie Allen

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis T. Brown (Seal)
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Margaret Landrum, a midwife, on oath state that I attended on Mrs. Lizzie Allen, wife of James Langford on the 13 day of June, 1889, that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Emma Landrum

Margaret Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis T. Brown (Seal)
Notary Public.

C 78 902

IN RE

Application for Enrollment of

INFANT CHILD

Viola Landrum

as a citizen of

Cherokee Nation

Approved August 1 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Aug 1 1901

[illegible] Chairman.

DEPARTMENT OF THE INTERIOR,

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation of Viola Landrum born on the 9 day of May 1894

Name of Father William Finch a citizen of the U.S. Nation

Name of Mother Lizzie Allen a citizen of the Cherokee Nation

Postoffice Vinita I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Lizzie Allen on oath state that I am 27 years of age and a citizen by adoption of the Cherokee Nation, that I was married to the lawful wife of William Finch who is a citizen, by of the United States Nation, that a female child was born to me on the 9 day of May, 1894, that said child has been named Viola Landrum, and is now living.

Lizzie Allen

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis F. Brown
Notary Public.

(Seal)

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Margaret Landrum a midwife, on oath state that I attended on Mrs. Lizzie Allen married, wife of William Finch on the 9 day of May, 1894, that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Viola Landrum

Margaret Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis F. Brown
Notary Public.

(Seal)

C 70 70

IN RE

Application for Enrollment of

INFANT CHILD

Frank Allen

as a citizen of

Cherokee Nation

Approved August 1, 1901

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
Aug 1, 1901

Acting Chairman

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT AS A CITIZEN OF THE Cherokee NATION

of Frank Allen born on the 23 day of January, 1894

Name of Father Will Allen a citizen of the Cherokee (?) Nation

Name of Mother Lizzie Allen a citizen of the Cherokee Nation

Postoffice Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Lizzie Allen, on oath state that I am 27 years of age and a citizen by adoption of the Cherokee Nation. That I am the lawful wife of Will Allen who is a citizen, by adoption, of the Cherokee Nation, that a male (Male or Female) child was born to me on 23 day of January, 1894, that said child has been named Frank Allen, and is now living.

Lizzie Allen

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis F. Brown (Seal)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Margaret Landrum, a midwife, on oath state that I attended on Mrs. Lizzie Allen, wife of Will Allen on the 23 day of January, 1894, that there was born to her on said date a (Male or Female.) child; that said child is now living and is said to have been named Frank Allen

Margaret Landrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of May, 1901.

Louis F. Brown (Seal)
Notary Public.

DISMISSED OR DENIED

# CHEROKEE FREEDMEN

Date JUN 11 1901

Post Office

Parent

1. Name

Owner's name

Roll Page

Parents

Father

Mother

Doubtful

Age

Citizenship

Date

Citizenship

Age

Citizenship

Roll Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

2. Landmire Year Page No. Dist.

3. " Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by

Stenographer

Doubtful

X Ref 0664

Cherokee Freedman.

Muskogee, Indian Territory, January 11, 1908.

Lizzie Allen,

Vinita, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor children as Cherokee Freedmen, you are advised that this case will be taken up for final hearing before the Commission at it's offices in Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, February 2, 1908, at which time you will be permitted to appear and introduce any testimony you may desire in support of your said application.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Registar.

Cherokee Freedmen
D-664 et al.

Muskogee, Indian Territory, January 18, 1908.

Silas A. Bulger,

Attorney for Jim Landrum, Sr., et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of the following applicants, you are advised that these cases will be taken up for final hearing before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 2, 1908, at which time the applicants will be permitted to appear and introduce any testimony that they may desire in support of their said applications.

| | |
|---|---|
| Cherokee Freedman D-664 | Jim Landrum, Sr., et al. |
| Cherokee Freedman D-698 | Frances Banks, et al. |
| Cherokee Freedman D-700 | Belle Landrum, et al. |
| Cherokee Freedman D-702 | Lizzie Allen, et al. |

Respectfully,

(Signed) TAMS BIXBY,
Chairman.

Register.

Refer to reply to the following

[illegible]

[illegible]

[illegible]

[illegible]

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

November 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 8, 1905, the Commissioner decided adversely to all the applicants.

The record shows that on August 29, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion; that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Sr., and Margaret Landrum, and except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Taylor Foreman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.N.M. - WL.

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply to the Cherokee Nation to a motion for a rehearing in the Cherokee freedmen consolidated case of Jim Lowdren, et al, No. R 104, et al.

The records of this office fail to show that a motion for a rehearing in this case has been filed with it. The decision of the Commissioner to the Five Civilized Tribes dated September 5, 1906, rejecting the applications for the enrollment of the applicants embraced in said case, together with the record of proceedings had therein, was forwarded to the Department September 11, 1906, where the same is now pending.

The Department's attention is called to its letter of November 22, 1905 (I.T.D. 10937-1905), addressed to J. F. Bulger, Vinita, Indian Territory, a copy of which was furnished this office November 28, 1905.

Respectfully,

Encl. N.A. 22-2.

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

[illegible]

[illegible]

[illegible]

L.T.R. [illegible]-1909.
[illegible]-1909.
[illegible]
[illegible]
[illegible]

February 8, 1909.

LBG

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 20, 1908 (Land 60971), the Indian Office transmitted your report dated September 11, 1908, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, Jess, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1908, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 20, 1906, the attorneys for the applicants filed a protest against your decision, requesting that it be reopened and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landrum, who was enrolled in Company E, First Kansas Colored Infantry, also known as Company E, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 2?, 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landrum was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the Nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Pulley, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louisa Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are sooniemen.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First-Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 12 to Ind. Of.

Cherokee F.
D 708.

COPY

Muskogee, Indian Territory, March 8, 1907.

Lizzie Allen,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 6, 1906, rejecting, among others, the application for the enrollment of yourself and minor children, Emma and Viola Landrum and Frank Allen, as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

Respectfully,

SIGNED Tams Bixby
Commissioner.

JMK

[illegible] et al.

Copy

Muskogee, Indian Territory, March 9, 1907.

Stacy & Pubkin,

Attorneys for Jim Landrum, Sr., et al.,

Vinita, Indian territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Department decision referred to.

Respectfully,

SIGNED Tams Bixby.

Encl. E-552
JHK

Commissioner.

Cherokee 7.
D. Ind. et al.

Muskogee, Indian Territory, March 8, 1907.

W. V. Mantiggs,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1906, rejecting the applications for the enrollment of Jim Lowrum, Sr., et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl. N-261
JHE

Cher.Fr.R 980

Cher.Fr. R. 980

Trans. from Cher. Fr D 715

Department of the Interior,
Commission to the Five Civilized Tribes,
Choteau, I.T., June 11, 1901.

In the matter of the application of Ben Adams for the enrollment of himself as a Cherokee freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Ben Adams.
Q How old are you? A I am about 36 as nigh as I can keep my age.
Q What is your post-office address? A Chelsea, Indian Territory.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Where were you born? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee nation? A I think so.
Q What roll? A I think it is on the Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 189 #3928 Ben Adams, Cooweescoowee District.
Wallace roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 195, #5804 Ben Adams, (No district.)

Q Were you a slave? A No sir.
Q Born a slave? A No sir.
Q What was your father's name? A Warren Adams.
Q Is he living? A No sir.
Q What is your mother's name? A Ibbie.
Q Is she living? A No sir.
Q Was your father a slave? A Yes sir.
Q Was your mother? A Yes sir.
Q To whom did your father belong? A Dick Martin, I have been told.
Q Who did your mother belong to? A The same man.
Q Was he a Cherokee citizen? A Yes sir.

TOBE BEAN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Tobe Bean.
Q How old are you? A 64 years old.
What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, they don't recognize me.
Q Your name is not on the authenticated roll of 1880? A No sir
Q You claim citizenship? A Yes sir.
Q Do you know the applicant here, Ben Adams? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Where was he born? A Born in Kansas.
Q Did you know his father? A Yes sir.
Q What was his name? A Warren Adams.
Q Did you know his mother? A Yes sir.
Q What was her name? A Ibbie Adams.
Q Were they slaves? A Yes sir.
Q To whom did they belong? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Is his father and mother living? A No sir, both dead.
Q Were they taken out of the Cherokee Nation during the war? A Yes sir.
Q Was Ben taken out with them? A No sir, he wasn't born then.

Q Where did they go to? A What to Kansas.
Q When did they return? A '66, along about the latter part of '66.
Q They have this child Dan with them when they returned? A Yes sir
Q Where did they come to? A Up on Grand river.
Q How A you know they returned in '66? A I saw them.
Q Were you with them? A In the winter they came back with me.
Q You and they came back together? A Yes sir, in the winter of '66.
Q Was that January '66, or December, '65? A I don't know. It was along just before Christmas.
Q Before Christmas? A Yes sir, little while.
Q Have you known Sam Adams since that? A Yes sir.
Q Has he always been living in the Cherokee Nation? A Yes sir, I guess he has lived in the Cherokee Nation all the while since that; he says he has been living off to Claremore there.
Q You are certain he returned with his father and mother some time before Christmas in '66? A Yes sir.
Q You were with them in Kansas? A Yes sir.
Q Where was that? A Anderson County, close to Garnett.

MR. DAVENPORT, Cherokee Rep've:

Q You are an applicant for citizenship yourself? A Yes sir.
Q He and his parents came back at the same time you came? A Yes sir in the winter of '66.
Q You and he didn't belong to the same parties when the war broke out? A No sir.
Q How far were you living from them when the war broke out? A About five miles.
Q They belonged to Dick Martin? A Yes sir.
Q Is he living now? A No sir.
Q Well that Dick Martin is a son of the old man? A No sir, he is a son of Joe Martin.
Q How far did Joe Martin live from Dick Martin at the breaking out of the war? A I think they called it seven or eight miles.
Q What point in Kansas did you go? A Went up in Anderson County.
Q Any towns up there? A Yes sir.
Q What place? A Garnett.
Q Well now, when did you say you started back to the Cherokee Nation after the war was over? A I com in the fall of '66, and then went back in the winter.
Q Did you come before or after the treaty was made? A After the treaty was made.
Q What time did you come back? A ~~xxxx~~ About the last of September or the first of October.
Q Did you go back? A Yes sir.
Q When you went back to Kansas how long did you stay before you again returned? A About two months I guess, it might have been a month and a half.
Q Then you came back to the Cherokee Nation? A Yes sir.
Q Who came with you at that time? A I don't know who all; lots of them; Warren Adams, George Bean, and Art Bean.
Q When you came back what point did you go to? A I went to Grand River.
Q Where did Warren Adams go? A On Grand river, about two miles from me.
Q When you got back there, you and Warren Adams, who was living near there? A Crap Lynch and Art Lynch.
Q Was there any Cherokees living there? A Yes sir, old man Scraper
Q Where was George Clark living? A I don't know sir, up the river somewhere.
Q Old man Scraper was George Clark's father in law? A Yes sir.

Q Where was young Nick Martin living at that time? A With his father I guess.
Q How far away was that? A Seven or eight miles.
Q Did you see young Nick Martin when you got back there? A No sir.
Q About how long after you got here was it until you saw young Nick Martin? A I don't know.
Q Was it a month? A It may have been about two or three months.
Q Do you think it took as long as three months? A I don't know.
Q Where was Joe Thompson living at that time? A I guess he was in the south, I don't know.
Q On what place did Warren go when he located? A He stopped with his father awhile, he died directly after he came here.
Q Was Warren's father living too? A Yes sir.
Q Did Warren's father come back with Warren? A Yes sir, they all came back in the same winter.
Q Where did his father stop? A Over there close to the Joe Lynch place.
Q On what place? A They called it Joe Lynch's Spring Branch.
Q Was it part of the Joe Lynch farm? A Yes sir, and they took it from the old man after he made some improvements on it.
Q Joe Lynch took it away from him? A Yes sir.
Q Joe Lynch died before the war? A Yes sir, but he had some sons. Lon and Quick.
Q Lon was living on the Joe Lynch place when you came back? A No sir.
Q When did you first see Lon Lynch after you got back? A I saw him at Vinita, I saw him taking census, that's the first time I saw him.
Q About what year was that? A About a month ago.
Q You never had seen him after the war? A No sir.
Q Don't you know he came back to the old home place just after the war? A Yes sir.
Q Where did you go that you didn't see him? A I can't see everybody in the country.
Q You went with Warren Adams to the Joe Lynch place, and know he located on the Joe Lynch place? A He was with his father.
Q Did you go off some where else? A I stayed there until after Warren died.
Q How long did he live after he came back? A He didn't live a year I don't think.
Q You know where this boy has been living since the war? A Been living in the Territory I guess; I told you he had been living out about Claremore; went over there with his sister and stayed awhile.
Q Do you know of your own knowledge? A I couldn't trace the boy around, He is liable to go to Kansas or anywhere.
Q As a matter of fact he has been in Kansas most all the time? A I don't know.
Q Has he a home on Grand river? A Yes sir, he lives with his people.
Q Who is his people? A I am his uncle, and Joe Ragsdale is his uncle and Art Bean, brother-in-law.
Q How old is he now? A About 36 years old.
Q About how old was he when you brought him back? A He was a small boy.
Q Was he big enough to talk? A Yes sir.
Q Wasn't big enough to drive horses? A No sir.
Q How much field did you make on that Joe Lynch place you are talking about being taken away from this old man? A About four or five acres, cleared in the bottom.
Q How far from the house was that? A Log house.
Q I say how far was that field from Joe Lynch's house? A About a quarter of a mile or not hardly so far.

Q Wasn't that the place your old uncle Joe lived before the war?
A Yes sir.
Q It would Saline district then? A Yes sir.

ROSE BILLY, being sworn and examined by Com'r Meadlock, testified as follows:

Q What is your name? A Rose Billy.
Q What is your age? A About 60.
Q What is your postoffice? A Choteau.
Q Are you a Cherokee freedman? A Yes sir.
Q On the roll of 1880? A No sir.
Q You claim to be a Freedman? A Yes sir.
Q Do you know the applicant here, Rob Adams? A Yes sir.
Q How long have you been kind? A I have known him ever since he was a small boy.
Q What was his father's name? A Warren.
Q What was his mother's name? A Ibbie.
Q Did you know his grandfather? A Yes sir.
Q What was his name? A Wank One was named Sandy Bean and the other one was named Adam Martin.
Q Was his father Warren Adams, and mother, Ibbie, slaves?
A Yes sir.
Q Who did they belong to? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q You know whether Warren Adams and Ibbie were taken outof the Cherokee nation during the war between the North and the South?
A Yes sir.
Q Where did they go? A Went to Anderson County, Kansas.
Q Were you with them? A No sir.
Q You know whenthey returned to the Cherokee nation? A Right after the war.
Q You know what year? A No sir, I don't know exactly what year.
Q You know where Ben was born? A No sir, when I saw him he was born, ever there in Saline.
Q He was already born when you saw him? A Yes sir.
Q The Bible says man has to be born again though? A Yes sir, but he was born the first time when I see him.
Q You don't know whether he was born in the Cherokee Nation or Kansas? A No sir, he was a little short fellow living there with his father and mother.
Q Where were they living? A There at old man Sandy Bean's.
Q You don't know what year they got back in the Cherokee nation?
A No sir; time was hard yet when I seen them.
Q You mean the weather was warm? A No sir, the Indians was hot, we couldn't go around.
Q They were kind of hot under the cellar? A Yes sir, and all around everywhere.
Q Breaking and all, well now you couldn't tell what year it was they returned? A No sir, not exactly.
Q You know they returned a short time after the war closed? A Yes sir.
Q You have known Ben Adams ever since that? A Yes sir.
Q Is he a married man? A No sir.
Q Had bad luck ain't he? A I reckon.
Q Might be good? A Yes sir, I expect he is better off.
Q You don't know whether Marriage is a success or not? A No sir.

BY CHEROKEE REPORTER DAVENPORT:

Q You know where he has been living since the war? A Ever since he has been any sing I know where he has been living.
Q Can you tell me where he has been living for the last seven years?

A Yes sir, Cherokees and all around here.
Q How many times have you been down to Cherokee in the last seven years? A Five or six times, I reckon.
Q How many times have you been to Cherokee in the last seven years? A I don't know sir, every few weeks.
Q Where do you live? A Right up in re.
Q How far? A Four miles.
Q Now you don't know anything about where these people were during the war? A You mean where they was over there?
Q I mean from the time the war began until it closed? A They was here part of the time.
Q And then? A In Anderson County, Kansas the other part of the time.
Q You know what year they went to Anderson County, what year? A No sir, I wouldn't have moved that nohow if I had seen it.
Q You don't know what time it was if you had seen it would you? A I had a little sense then, of course I got in around among where people would tell me what it was.
Q You got out from around the Indians, and you learned some sense? A I was out and in amongst them too, but the old boss told me that.
Q What place did they come to in the Cherokee nation? A On Island Ford, near Sandy Bean's place, I first see them.
Q They located there on Sandy Bean's place? A I saw the old man there, and his wife.
Q They were keeping house when you saw them? A Stayed together you mean?
Q Yes? A They was staying just there at the old man's when I saw them.
Q How long did they stay? A They stayed there for quite awhile.
Q Then where did they go? A They stayed with grandfather Adams.
Q Then where did they go? A I think then they got hold of the place of old Looney; lived up under the hill there in Delaware.
Q They didn't go back any more to the Joe Lynch place where they had formerly lived before the war? A I don't know the time they lived on the Joe Lynch place.
Q Did they live near the old Joe Lynch place in Saline after they came back? A I don't remember them; there's several lived right close there, and there was a whole lot of darkies in and around in that place, and they might have been there too, I don't know.
Q You would have remembered it if they had been there? A If they had been living there themselves I might but if they had been living with these several I might not have.
Q You know where Lon Lynch was at the time they came back from Kansas? A I never saw Lon Lynch for five or six years after that, I don't know whether I would know who he is or not. now.
Q You haven't lived in that country lately? A No sir.
It has been 21 or 2 years since I lived there.
Q You knew Lon at the breaking out of the war? A No sir.
Q How far were you living from the Joe Lynch place when the war broke out? A I was living on the McNair place, about 10 miles away.
Q You didn't know that Joe Lynch's family? A I knowed Joe.
Q Did you know these darkies? A Yes sir, I knowed them well.
Q How far from the Dick Martin place were you when the war broke out? A It was a little south-west, I don't know just how far we was from where the Lynch Prairie is now, but it is a little south-west from the Lynch Prairie and south of Rock Creek.
Q Can't you tell about how far it is? A I expect it is about close to some distance.
Q About ten miles? A About ten or twelve miles I guess, somewhere along there.
Q

APPLICANT, BEN ADAMS, re-called and further examined;
BY CONN'R MEHARG:

Ben Alexander

Q. Are you a citizen of the Cherokee Nation?
A. Yes sir.
Q. Have you been a citizen of the Cherokee Nation continuously all your life?
A. Yes sir.
Q. Have you never been a citizen of any other tribe?
A. No sir, I have worked on the railroad mostly, down in the Chickasaw nation.
Q. Did you ever work in Kansas or Texas?
A. No sir.
EX. MR. DAVIDSON:
Q. You have never gone to school any like the rest of those fellows in Kansas?
A. No sir, and had no chance to go to school here myself.
EX. COMM. MCCOLLOCH:
Q. Was your father's house your home when they lived?
A. Yes sir, I was a small boy when they died.

Com'r McCoy: Ben Alexander applies for the enrollment of himself; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is then cited upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; he makes satisfactory proof as to residence; reference is made as to his citizenship to the testimony, and said Ben Alexander will now be listed for enrollment as a Cherokee freedman, on a doubtful card, awaiting the further consideration of the commission; he will be notified by mail of the decision of the commission when arrived at, in the premises.

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M.D. Grech, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Grech

Subscribed and sworn to before me this June 22, 1901.

Commissioner.

File with Ben Adams, C. P. O. 718.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. December 16th 1907.

EVIDENCE IN TESTIMONY in the case of Ben Adams, C. P. O. 718.

Appearances,
James B. Davenport for the Cherokee Nation.
Mellette & Wells for the applicant, in C. P. O. 718, but not in the present case. Being present in this case simply in order to cross examine the witnesses for the benefit of C. P. O. 718.

BEN ADAMS called three times and appears not either in person or by attorney. Satisfactory proof of notice filed, that this testimony would be taken on this day by the Cherokee Nation.

Witnesses placed under the rule.

G. L. LYNCH, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
( By Mr. Davenport )
Q What is your name? A G. L. Lynch
Q Where do you live? A In Flint District, Cherokee Nation.
Q How old are you? A 61.
Q Where were you living at the breaking out of the war? A In Saline district, Cherokee Nation.
Q How far from Grand river? A About a mile in some places, the closest point.
Q What was your father's name? A Joe W. Lynch
Q Did you go away during the war? A Yes sir in '62 and I came back in February, of '67.
Q When you came back to what point did you come in the Cherokee Nation?
A To our old place on Grand river, Saline district.
Q When was that? A '67.
Q Who was living there on the old place when you came back? A Mr. Scraper, he was living there then,
Q What was his first name? A George.
Q Did you then know a colored man named Warren Adams? A I dont know him by that name.
Q Did you ever know a colored man named Warren? A Yes sir, he belonged to the Martins.
Q Did you see him after the war? A No sir.
Q Was he or his family living on your old place when you came back?
A No sir.
Q Did they move there after that to your knowledge? A No sir.
Q Do you know Ben Adams, the applicant in this case? A No sir, never saw him to know him .
Q How long did you stay at this old place? A Often and on during the year '67.
Q This man Warren was not living there at that time? A No sir.
( By Mellette )
Q This man Warren was a slave before the war? A Yes sir.
Q Who owned him? A Dick Martin.
Q Were you well acquainted with this slave? A Yes sir some of them
Q You never have seen him since the war? A No sir.
Q Don't know what country he has lived in since the war? A I have lived on Grand River.
Q I say, he ? A Oh, no sir.
Q You dont know if he was in the Cherokee Nation or not? A No sir.
Q Dont know if he was in the Cherokee Nation in '66? A No sir.
( By Davenport )
Q You do know that he was not on your father's old place in '67? A No sir he wasn't there, I was there and he wasn't there.

SIDNEY CLARK being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:

( By Davenport ) .
Q What is your name? A Ollie Chart.
Q What is your post office address? A Vinita.
Q How old are you? A 54.
Q Where did you live before the war broke out? A I have lived in the territory all my life.
Q Did you go away during the war? A Not much, I was a soldier in this country.
Q After the war closed in '65 where did you locate? A In Saline district.
Q How far is that from the old Joe Lynch place? A I lived within 4 or 5 miles from it, my father in law was living on that place then.
Q Who was that? A C. W. Scraper.
Q Did you ever know a colored man named Warren Adams? A Yes sir.
Q Did you know him before the war? A No sir,
Q You knew him after the war? A Yes sir.
Q When did you first get acquainted with him? A In the '70's
Q Were you ever on your father' in law's place in '67? A Yes sir I was there off on,I visited my wife's folks.
Q Did Warren Adams and his family live on the old Joe Lynch place in '66 and '67? A No sir.
Q Do you know of your own knowledge if he lived there after that?
A I dont think Warren ever lived there, his father came there and bought, his father lived in one ~~of the~~ of the negro tenant houses and made four or five crops there on the Spring Branch.
Q What year was that in? A I think he staid there three or four years after that, I think he went there in '66.
Q They didn't live there at all while Mr. Scraper was there? A No sir.
( By Mellette )
Q Did you say that Warren Adams's father moved there in '67 or '8?
A I think it was in '68.
Q Do you think your recollection is positive on this point? A Yes sir.
Q It was either in '67 or '8? A Yes sir.
Q What time in '68? A He went in one of those outhouses in '67?I think but he never made a crop there until '68.
Q You cant tell if Warren Adams moved there in December of '67 or not? A No sir not positive as to the month.
Q You didn't pretend to keep the dates? A No sir.
Q You dont know where Warren Adams was in 66? A No sir.
( By Davenport )
Q Do you know the applicant Ben Adams? A Yes sir.
Q Have you known him for the last few years? A Yes sir, for several years,he is a relation of the Beams and lives right there.

* * * * * *

This will be filed in Cherokee freedmen cases D-715;D-722;D-726 and D-863.

***

Chas. von Weins, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 29 1901

[illegible] Adams, U. S. A., [illegible]

[illegible]

In the matter of the application of Martha Virgel, [illegible]

[illegible]

Appearances:

W. W. Hastings for the applicant [illegible]

J. L. Mehaffey for the [illegible]

Witness called [illegible] sworn by [illegible] P. Needles, testified as follows on the part of the Cherokee Nation:

( By Hastings )

Q What is your name? A [illegible] Mehaffey.

Q What is your age? A [illegible].

Q What is your post office address? A Garnett, Kansas.

Q How long has that been your post office address? A [illegible] 'ba.

Q Mr. Johnson, did you know a colored man [illegible] Warren [illegible]

Q Did you also know a colored man by the name of Warren and Ibbie Adams? A I have acquainted with him, saw her, was more acquainted with her.

Q Where were they living when you first saw them? A East of Garnett.

Q On a farm? A Yes sir.

Q How long did they live there after you came to Garnett? A Not long.

Q Well, about how long? A They must have left here in '99 or '[illegible].

Q Were they living there when you came? A Yes sir.

Q Did they have any children that you remember? A They had some children, I dont know exactly their names.

Q How long after you came there until you got acquainted with them? A It was just before they went away, I saw them somewhere, I dont know just when I did get to say acquainted with them.

Q Whose place was it that they lived on? A At that time I didn't know, I know who owned it now.

Q Who? A Man named F. G. Brunne.

Q About how far from town was it? A Right round about two miles, one and a half or two miles.

( By McKenna )

Q You dont know who owned Warren and Ibbie Adams? A No sir.

Q You dont know when they first came to this particular place you speak about? A No sir.

Q You dont know whether or not they ever lived out of the Cherokee Nation during the war? A No sir.

Q You dont know where they were in '68? A No sir.

Q Or in '67? A In the early part of '67 I dont know where they were.

Q When did you say your acquaintance first commenced with these two people? A I cant tell when exactly or at what place it was, just before they left to come back here though.

Q Your acquaintance with them wasn't very intimate was it? A No sir they lived quite a ways from town, and I didn't get outvery often.

Q You dont know the applicant in this case, Martha Virgel, the reputed daughter of Warren and Ibbie Adams? A No I dont know her.

Q And you dont know if that Warren and Ibbie Adams that you knew in Kansas is the reputed mother and father of this applicant, Martha Virgel or not? A I do not

Q You have no acquaintance with the applicant whatever? A No sir, if I does, I dont know it at this time.

W. A. JOHNSON being called and sworn by Com'r T. M. Needles, testifies as follows on the part of the Cherokee Nation:

( By Hastings )

Q What is your name? A W. A. Johnson.

Q Your age? A 71.

Q Your post office address? A Garnett, Kansas.

Q How long has that been your post office address? A [illegible] 'ba.

Q Mr. Johnson, did you know a colored man [illegible] Warren [illegible]

PAPER ORIGINAL - NOT AVAILABLE COPY

[illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [

[illegible]

[illegible]

[illegible]

F D 712

F. [illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 20 1902.

In the matter of the application of Addie White for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO 8722.

APPEARANCES:
Mellette & Smith for applicant,
W. W. Hastings for Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows.

MR. HASTINGS: What is your name? A J. M. Johnson.
Q. What is your age, Mr. Johnson? A 50 years old.
Q Your postoffice address? A Garnett, Kansas.
Q You have lived there I believe you state in another case since '59? A I have, yes sir.
Q Did you know a colored man by the name of Warren Adams? A Yes, sir, I did.
Q Did he have a family? A He did.
Q Where did he live when you knew him? A He lived on Brun's place and over on Judge Spring's place.
Q When did you get acquainted with him? A Sometime in '64.
Q How long did you know him up there? A I knowed him till the summer of '68.
Q You know where he went when he left there? A I don't sir.
Mr. SMITH. That was his name? A Warren Adams.
Q. You know a Warren Adams that left Kansas in '68? A Yes, sir.
Q Well you don't know where he is now? A No, sir I do not.
Q I believe you said you didn't know where he went to? A I don't recollect, whether he went to the Territory or where he went, he left there in '68.
Q You don't know where he went? A No, sir.
Q You dont know about his family, if he had one? A I do, yes, sir.
Q Well what was their names? A One girl I don't know what her name was, they called her Arnica.
Q Well did he have anybody else? A I think there were children, I don't know.
Q Not sure about that? A No, sir.
MR. HASTINGS. You know his wife's name? A I do not, no sir.
Q Was he a colored man? A He was, yes, sir.
Q Do you know whether he claimed to be from the Cherokee Nation or not? A Yes sir, he did.
Q You don't know whether he came back down here or not? A I do not.
BY MR. AS McKEE: Mr. Johnson, when did you say you first learned to know Warren Adams? A '64 I think.
Q And knew him continuously how long? A Till '68.
Q Were you intimately acquainted with him? A Yes sir.
Q Do you know where he was in '66 A I do not.
Q Do you know where he was in '67? A Think he was right up there in Anderson County, Kansas.
Q Don't know where he was in '68. A He was there in our county from the time he came there until he left in '68.
Q Well where was he in '69. A He was in Anderson County, Kansas.
Q How close did he live to you? A About two miles and a half or three miles.
Q Do did Warren Adams, Mr. Johnson, who was the alleged father

[illegible]

Commissioner Dale (Chairman ex officio) being called pro and made a part of the record in the case of Harry Spaniel, one applicant by A. S. Mullin, Attorney, of Ft. Smith, and in the case of Emily Spaniel represented by Leslie T. Brown, one applicant of Muskogee, I. T. and in the case of Julia Dale Spaniel represented by Mr. Mullin, one applicant of Muskogee, I. T. and in the case of Julia Dale Spaniel, one to be represented by Mr. Mullin, one applicant.

W. T. Hastings, for Interpreter, Notice being that this testimony be made a part of the record in the case of Ben Adams, D. C. 115, the said Ben Adams being the one of Harry Adams and a member of Indian by other applicants.

Commissioner: The request of the attorney for the Nation will be complied with and the testimony filed.

W. T. G.

Arthur Brohimer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Brohimer.

Subscribed and sworn to before me this 27th day of May, 1902.

(Signed) F. G. Reuter.

PUBLIC

E. M. Hawkins, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. S. Hawkins

Subscribed and sworn to before me this 10th day of July, 1902.

[illegible] PUBLIC

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of Ben Adams, et al., as Cherokee freedmen, consolidating the applications of:

| | | |
|---|---|---|
| Ben Adams, | Cherokee Freedman D | 715 |
| Addie White, | Cherokee Freedman D | 722 |
| Martha Virgel, | Cherokee Freedman D | 726 |
| Neatie Rodgers, et al., | Cherokee Freedman D | 1097 |

D E C I S I O N.

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Ben Adams for himself; by Addie White for herself ; by Martha Virgel for herself, her application also included her minor child, but the latter is differently classified, and is not embraced in this decision; and by Neatie Rodgers for herself and her minor children, Bell Thompson, Willie Rodgers and Leroy Lang.

THE EVIDENCE HEREIN SHOWS: That all the applicants herein, except Addie White, who was born prior to the war of the rebellion, are descendants of and claim their rights to enrollment as Cherokee freedmen through Warren Adams and his wife, Ibbie (or Isabella) Adams; that the said Warren Adams, his wife Ibbie (or Isabella) Adams, and the applicant, Addie White, were the slaves of Cherokee citizens at the commencement of the rebellion, that during said rebellion they removed from the Cherokee Nation to the state of Kansas, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1888, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant, Willie Rodgers, (six years old), is a son of one Nick Rodgers, a Cherokee freedman who is identified upon the 1880 authenticated Cherokee roll. It also appears that the applicant, Bell Thompson (thirteen years old) is a daughter of one Nelson Thompson, whose name appears as

No. 1887, upon a list prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior, November 14, 1904.

None of the applicants herein can be identified upon the 1880 authenticated Cherokee roll.

Although ample opportunity has been afforded said applicants to show by satisfactory evidence their right to enrollment as Cherokee Freedmen, they have failed to do so.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Willie Rodgers and Bell Thompson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), and that, following the ruling of the Department in the cases of Eliza Bryant, et al., (I.T.D. 344-1904), William Hester, (I.T.D. 1466-1904) Minnie Duncan et al., (I.T.D. 1470-1904), Samantha Chambers, (I.T.D. 2296-1904), Ed Williams, (I.T.D. 4230-1904) and Moses Ross, (I.T.D. 4036-1904), the applications for the enrollment of Ben Adams, Addie White, Martha Virgel, Hestie Rodgers and Leroy Lang, as Cherokee freedmen, should be denied, under the provisions of section twenty-one , above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 1905

# AFFIDAVIT

UNITED STATES OF AMERICA,
NORTHERN DISTRICT } ss

In the matter of the application of Ben Adams for enrollment as a Cherokee freedman.

No. F. D. 715

Henry Pack of lawful age, being duly sworn on oath states that on the 20th day of September A. D. 1901, he registered to Ben Adams whose postoffice is Chelsea Indian Territory a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory, and that on the 3rd day of October 1901, he received the return card which is hereto attached, signed by the said Ben Adams, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 3rd day of Oct A. D. 1901.

J. C. Starr
Notary Public.

No E8775

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 4 1901
Acting Commissioner

# NOTICE

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman.

Now [illegible] 1901

To [illegible] Address [illegible]

You are hereby notified that the Cherokee Nation will produce before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R. Bell

N. M. Hastings

J. D. Dampson

Attorneys for the Cherokee Nation.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is Hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF INTERIOR

# CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office

Dawes

1. Name [illegible] Age [illegible]

Owner's name Citizenship

Tongue [illegible] Page [illegible] No. [illegible] District [illegible]

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife Age

Owner's name Citizenship

Year Page [illegible] No. [illegible]

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Omitted

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

[illegible] Case 195 # 3554

Muskogee Indian Territory, June 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in C.R. No. 745

Ben Adams

Thomas Gorman
Attorney for Applicant.

COPY.

Cherokee Freedmen

Enrl.

Muskogee, Indian Territory, June 28, 1908.

Ben Adams,

Chaffee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1908, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Wade S. Stanfield, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. S-41
Register

Choctaw Nation

Dated

Muskogee, Indian Territory, June [illegible], 1896.

Wade H. Stanfield,

Attorney for Rep Adams,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1896, rejecting, among others, the application for the enrollment of Rep Adams as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. 3-42
Register

[illegible]

[illegible]

Muskogee, Indian Territory, June 8th, 1906.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 8th, 1906, granting the application for the enrollment of Bell Thompson and Willie Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-49.

Cherokee Freedmen
Dell, et al.

Muskogee, Indian Territory, June 24, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen, including the Commission's decision dated June 24, 1908, granting the application for the enrollment of Dell Thompson and Willie Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 2-90

Through the

Commissioner of Indian Affairs.

Land
[illegible]
[illegible]. (0297)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

August 4, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Ben Adams for himself; by Addie White for herself; by Martha Virgel for herself; and by Neatie Rodgers for herself and her minor children, Bell Thompson, Willie Rodgers and Leroy Lang.

June 28, 1906, the Commission decided favorably to Bell Thompson and Willie Rodgers and adversely to all the others.

The record shows that all the applicants except Addie White who was born prior to the war of the rebellion, are descendants of and claim rights to enrollment as Cherokee Freedmen through Warren Adams and his wife, Ibbie (or Isabella) Adams; that Warren Adams, Ibbie Adams and the applicant, Addie White, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they removed from the Cherokee Nation to the State of Kansas and did not return to the Cherokee Nation on or before February 11, 1867.

It further appears that Willie Rodgers, aged six years is a son of one Nick Rogers, a Cherokee freedman who is identified

on the 1880 authenticated Cherokee roll. It also appears that Nell Thompson, aged thirteen years, is a daughter of one Nelson Thompson, whose name appears at No. 3387 upon a list of Cherokee freedmen approved by the Department November 16, 1904. None of the applicants is identified on the 1880 authenticated Cherokee roll.

By letter of July 21, 1908 (forwarded to the Department August 3, 1908 Land 87437-1908) the attorneys for the Cherokee Nation transmit the protest of the Nation against the enrollment of these applicants and the same has received due consideration.

In view of the record the approval of the Commission's decision favorable to Nell Thompson and Willie Rodgers and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.W.M.
W.

Cherokee Freedman

961 D-918.

Muskogee, Indian Territory, December 31, 1906.

Don Adams,

Chaffee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December 18, in reply to its recent communication asking to be advised the post office address of your sister, Martha Virgel. You state that you cannot advise her post office at the present time, but that you will inform this office as soon as you ascertain the same. You also ask to be advised if you will be permitted to apply for land as your allotment in the Cherokee Nation.

In reply you are advised that before the right to enrollment of Lucile Vann, daughter of your sister, Martha Virgel, can be determined it will be necessary that an affidavit as to her birth be filed, and you are requested to advise the post office address of your sister at the earliest practicable date.

You are further advised that the decision of the Commission to the Five Civilized Tribes, dated June 25, 1906, rejecting your application for enrollment as a Cherokee freedman, was, on that date, forwarded to the Secretary of the Interior for his review and decision. The rules of this office do not permit applicants for enrollment as citizens of the Cherokee Nation to apply for land as their allotments in the Cherokee Nation until

their names have been placed on schedules of such citizens and approved by the Secretary of the Interior.

Respectfully,

LP

Commissioner.

Muskogee, Indian Territory, March 1, 1906.

J. J. Bulger,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of February 23, stating that you have been retained in the Cherokee freedmen cases of Ben Adams, D-718, Addie White, D-722, Martha Virgel, D-726, and Neatie Rodgers, et al., D-1097, and asking to be furnished a copy of the record of proceedings had in said cases, in order that you may prepare a motion for a new trial.

In reply you are advised the records of this office show that W. S. Stanfield and Thomas A Foreman are attorneys of record for Ben Adams, and a copy of the record of proceedings had in his case has heretofore been furnished them; that Wellette and Smith of Vinita, Indian Territory, are attorneys of record for Addie White, and that a copy of the record of proceedings had in her case has heretofore been furnished them; that A. S. McRae is attorney of record for Martha Virgel, and a copy of the record of proceedings in her case has heretofore been furnished him, and that Osborn & Osborn are attorneys of record for Neatie Rodgers, et al., and that a copy of the record of proceedings had

in her case has heretofore been furnished them. Your request to be furnished copies of the record of proceedings had in these cases cannot, therefore, be complied with.

Respectfully,

LS

Acting Commissioner.

(COPY)

P.F. [illegible]
I.T.D. [illegible]
LBC

D.T.Sr.

THE SECRETARY OF THE INTERIOR,

WASHINGTON.

LBC

February 11, 1909.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 20, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Dee Adams, Addie White, Martha Virgil, Westie Rodgers, Bell Thompson, Willie Rodgers, and Leroy Lewis, including its decision of these same date, favorable to Bell Thompson and Willie Rodgers and adverse to all the others.

Reporting August 6, 1908 (Land 87437), the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

On September 7, 1908, motion for review was filed.

The motion protests against the granting of said motion.

The motion appears to be without merit and is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Though the Commissioner
of Indian Affairs.
1 inc. and 4 to Ind Of.

Cherokee 9.
Ex 718

Muskogee, Indian Territory, January 21, 1907.

Ben Adams,

Chaffee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys September 7, 1905, denied.

Respectfully,

JMH

Commissioner.

Cherokee 7.
E.T.S.

Muskogee, Indian Territory, September 11, 1908.

W. S. Bloufield,
Attorney for Ben Adams,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 24, 1908, denying, among others, the application for the enrollment of Ben Adams, as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the Cherokee freedmen enrollment case of Ben Adams, et al., filed September 7, 1908, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.E-20
JMM

Cherokee D.
D-715 et al.

Muskogee, Indian Territory, January 21, 1907.

Messrs. Rice & Rodger,
Bentley Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, denying the applications for the enrollment of Ben Adams, Annie White, Martha Virgil, Bennie Rodgers and Leroy Lang, and granting the application for the enrollment of Bell Thompson and Willie Rodgers, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 11, 1907, and motion for review of said case, filed by you September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-17
JMM

Commissioner.

Georgeanna W.
Duffie et al.

Muskogee, Indian territory, January 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 26, 1905, denying the applications for the enrollment of Ben Adams, Addie White, Martha Virgil, Beatie Rodgers and Leroy Land and granting the application for the enrollment of Nell Thompson and Willie Rodgers, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the said case, filed September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. N-16
JEH

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of

MARY SHIELDS, ET AL.,

as Cherokee Freedmen.

CHEROKEE FREEDMEN D 712

# CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

Char. Fr. R 981

Char. Fr. R. 981

Trans. from Char. Fr. D 719

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

MARY SHIELDS, ET AL.,

as Cherokee Freedmen.

CHEROKEE FREEDMEN D 712

Dealt with the case of Berry Thompson Page 211

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 8th 1902.

In the matter of the application of Berry Thompson for the enrollment of himself and three children as Cherokee Freedmen; said Thompson being sworn and examined by Commissioner T. N. Needles, testified as follows:

Q What is your name? A. Berry Thompson.
Q How old are you, Mr. Thompson? A About 44.
Q What is your post office address? A. Bluejacket.
Q What district do you live in? A. Commerce.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you desire to enroll besides yourself? A I got three children
Q What are the names of your children? A Oldest one is named Elmer Thompson.
Q How old is Elmer? A. 14.
Q The next one? A. Leo.
Q How old is Leo? A. 13.
Q The next one? A Morrison.
Q How old is Morrison? A. Ten.
Q Is that all? A. Yes sir.
Q What is your wife's name? A. Bell Thompson.
Q Is she a citizen? A. No sir.
Q Is she the mother of these children? A. Yes sir.
Q What was her father's name? A. Holston.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Freedman? ( No response )
Q Kinda half way? A Yes sir, just like the rest of them.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir
Q Is your name on the roll of 1880? A No sir.
Q Is it on the Kern Clifton roll? A Yes sir.
Q Were you married to Bell Thompson? A. Yes sir.
Q Have you any certificate of marriage? A. No sir.
Q Have you any proof of marriage? A. Yes sir.
Q Whom can you prove your marriage by? A. Her sisters.
Q Are they here? A. Yes sir.

JOHN NASH being sworn and examined by Commissioner T. N. Needles testified as follows:
Q What is your name? A. John Nash.
Q What is your age? A. 35.
QWhat is your post office address? A. Bluejacket.
Q Do you know Berry Thompson? A. Yes sir.
Q Do you know his wife, Bell? A Yes sir.
Q Do you know whether they were married or not? A. Yes sir they was married.
Q How do you know? A. Old man Bluejacket married them.
Q Did you see them married? A Yes sir.
Q Was Bluejacket a minister? A Yes sir, Uncle Charley Bluejacket.
Q Have they been living together as man and wife ever since their marriage? A.Yes sir.
Q Is Bell Thompson living now, his wife? A. Yes sir
Q Did they have any children? A. Yes three.
Q Born to them while they were living together as man and wife? A Yes sir.
Q What is the names of them do you recollect? A. Elmer.
Q Leo? A Lee and Morris.

BERRY THOMPSON, the applicant, re-called, testified as follows: Examination by Mr. Smith, of the Firm of Smith & Willett, Attorneys for Applicants:

Q How old did you say you were, Berry? A. 66.
Q Were you a slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Are you related to Eliza Mann, or Eliza Quince? A I am her brother.
Q Did you go out of the Nation, or were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q By whom were you taken out? A. My Master.
Q When did you return? A. I came back when she did. '66
Q When who did? A. My sister, Eliza.
Q When your sister Eliza Quince, returned? A. Yes sir.
Q Have you a farm? A. Yes sir.
Q Where is it? A. It is three miles west of Bluejacket.
Q How long have you had it? A. About 15 years.
Q You say you are on the Kern-Clifton roll? A Yes sir.
( By B. W. Hastings, Cherokee Representative )
Q Where were you married? A. I was married about three miles and a half from Bluejacket at the lower end of Timbered Hill.
Q You had heard the statement of your sister, Eliza and sister, Jane: did you go the rounds with them? A. Yes sir.
Q Did you ever live in Kansas? A. I worked up there.
Q Where? A. I worked at Chetopa some and Columbus.
Q How far is Columbus from Chetopa? A. About twenty miles.
Q How long did you work up there? A. I worked there off and on, cooked; I was up there three months I guess.
Q You were married in the Nation? A Yes sir.
Q Did you make your home with your sister before your marriage? A. I worked out a good deal of the time, worked at Vinita, some, I lived with my mother.
Q What was your mother's name? A. Mary Stover.
Q Did she come back from Texas with you? A. Yes sir.
Q With your two sisters too? A. Yes sir.
Q Your mother was along too? A. Yes sir.
Q Is your mother alive? A. No sir.
Q Where did she die? A. She died up at Timbered Hill.
Q About how long ago? A. About 13 years.
Q You made your home with her until she died? A. Yes sir.
( By Smith )
Q Where was it your mother died? A. She died at Timbered Hill in the Cherokee Nation.
Q What was your mother's name? A. Mary Stover.
Q Do you know whether she was ever on the 1880 roll or not ? A. I dont know for sure whether she was or not.
Q How long has it been since she died? A. About 13 years.

The 1880 authenticated roll of Cherokee freedmen examined and applicant's name not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:
page 162 #4008 Jerry Thompson, Goweseecowee district.
page 162 #4009 Elmer Thompson, Goweseecowee district.
page 162 #4010 Lee Thompson, Goweseecowee district.
page 162 #4011 Morrison Thompson, Goweseecowee district.

Com'r Needles,- Berry Thompson applies for the enrollment of himself and three children, to-wit: Elmer, Lee and Morrison. His name is not found upon the authenticated roll of 1880, nor the census roll of 1896. His name is found upon the Kern-Clifton pay roll. The names of his three children are also found upon said roll. He is duly identified according to the page and number of said roll and makes satisfactory proof as to residence. By agreement of the counsels

In this case, the [illegible] in the case of [illegible] Cadiz, [illegible] found, is referred but made a part of the record in this case. The names of many witnesses and of three [illegible], the stenographic [illegible], will not be listed upon a [illegible] card for the reason [illegible] of the testimony. When the decision of the Commission described in he will be notified by mail. If he desires at any time to [illegible] any further evidence in this case, the same will be received.

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J. O. Rosson, being first duly sworn, states that he stenographed to the Commission in the Pure Virilia [illegible], he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

( signed ) J.O. Rosson

Subscribed and sworn to before me this 10th day of May 1901 .

(signed) G. R. Brockbridge,
Commissioner.

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I, Chas. von Weise, upon my oath state that he foregoing is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 5th of September, 1901.

Commissioner.

M D Green
NP

- - - C O P Y - - -

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 15th, 1901.

In the matter of the application of Frank Shields for the enrollment of himself, wife and three children as Cherokee freedmen, he being sworn by Commissioner T.M. Needles, testified as follows:

Mellette & Smith attorneys for applicants'

James Davenport attorney for the Cherokee Nation.

By Com'r Needles:

Q What is your name? A Frank Shields.
Q How old are you? A. I reckon I am somewhere about 37 or 8.
Q What is your postoffice address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee
Q Do you apply as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.
Q Who do you want to have enrolled besides yourself?
A. My wife and three children.
Q What is your wife's name? A. Mary Shields.
Q Is she a citizen? A. Yes sir.
Q What is your father's name? A. Ike Shields
Q What is your mother's name? A. Amy Martin before she was married
Q What are your children's names? A. Blanche.
Q How old? A. 12.
Q Next? A. Grace.
Q How old? A. 10
Q Next? A. George.
Q How old 2 or 3 weeks old.
Q Is your wife living? A. Yes sir.
Q How old is your wife? A. 24
Q Is your name on the roll of 1880? A. I don't know.
Q Is your name on any of the rolls of the Cherokee Nation?
A. Yes sir, Wallace roll.
Q Did you draw strip money? A. No sir.
Q Is your wife's name on the roll of 1880? A. Yes sir both my wifes were.
Q Who was the mother of Blanche and Grace? A. Sophia.
Q Was she your first wife? A. Yes sir.
Q Is she dead? A. Yes sir.
Q What is her maiden name? A. Duncan.
Q Was she dead before you married your last wife? A. Yes sir

The applicant not found on any of the rolls of the Cherokee Nation now in the possession of the Cherokee Nation.

Applicant's first wife found on the Kern-Clifton roll as follows: Page 151 No. 3745 Sophie Shields, Cooweescoowee District

Applicant's children found on the Kern-Clifton roll as follows Page 151, No. 3746, Blanche Shields, Cooweescoowee District
Page 151 No. 3747, Grace Shields, Cooweescoowee District.

Press Brief--#3

Q Where was your wife Mary's father's name? A. Jarrice Harper
Q What was her mother's name? A. Lydia Harper.
Q Is she the same Lydia Harper who enrolled here to-day? A. Yes sir.

The applicant's present wife identified as followed on the Kern-Clifton roll-Page 141 No. [illegible], Mary Harper, [illegible] district.

By Mollette-

Q How old are you? A. I think as near as I can come to it, 37 or 8
Q Where were you born? A. In the Cherokee Nation
Q What was your mother's name? A. Amy Martin before she married
Q Where have you been living since you can recollect? A. I have been living in and out of the territory.
Q Do you remember being out of the Territory during the war? A. No sir I don't remember that.
Q What place do you remember living at since the war? A. Big Creek, Cherokee Nation.
Q Where have you lived since? A. In Kansas and the Territory.
Q How much in Kansas? A. I cant say exactly, I worked there around at different places.
Q Have you a farm in the Territory? A. Yes sir.
Q Where? A. On Snow Creek.
Q How long have you had it? A. I got it 4 or 5 years ago, I was living with my father and mother before that
Q Where? A. On Cedar Creek, in the Cherokee Nation.
Q Have you made Kansas your home at any time? A. I have lived there some of the time.
Q How long? A. 6, 8, or 10 months at a time.
Q What were you doingup there then? A. Working.
Q What at? A. Carrying brick.
Q Did you consider it your home then? A. No sir.
Q Where has your home been all the time? A. This is my home here
Q In the Cherokee Nation? A. Yes sir.
Q And you simply went out to work? A. Yes sir.

BY DAVENPORT:-

Q Was Lewis wartin your father? A. No sir-that was my uncle.
Q When was you living when your father died? A. I don't know I guess my father is living.
Q They called him Ike Shields didn't they? A. Yes sir.
Q Where is he livi ng? A. Somewhere about near Nowata, my mother and him is separated.
Q You haven't seen him since you were grown? A. Yes sir.
Q When? A. 2 or 3 months ago.
Q Where was he living when you first remember? A. I don't know
Q Was he and your mother separated then? A. No sir.
Q Do you know if your parents staid in the Cherokee Nation during the war, or went out? A. Only what I heard them say.
Q Don't know of your own personal knowledge? A. No sir.
Q You wasn't born until after the war came up? A. As near as I can remember I was born in 63 or '4.
Q You haven't lived in Kansas since you were grown? A. Not to speak of.
Q How long did you ever stay in Kansas at any one time since you were grown? A. 3 or 4 months at a time?

Frank Gates--6.

Q And then you would come back to the Cherokee Nation? A. Yes sir
Q Has your wife been up in Kansas? A. Yes sir.
Q How long did she stay up there? A. Not long, she run a laundry there a little while.
Q Didn't you keep house there? A. Yes sir, when she was there we did, we rented a room there.
Q How long since you lived in Fort Scott? A. Over 6 years.
Q Have you lived anywhere else except in the Cherokee Nation except the times you speak of being in Kansas? A. No sir.
Q Where have you been in Kansas besides Fort Scott? A. Coffeyville and Independence.
Q What did you do there? A. Worked.
Q How long did you work in Coffeyville? A. One season.
Q Live there with your wife? A. Yes sir, part of the time
Q You kept house then? A Yes sir, staid in a room with another family.
Q You didn't have a house fixed up by yourself? A. No sir.
Q How long did you stay in Independence? A. 4 or 5 weeks.
Q Where else have you been in Kansas ? A. That is the only places
Q Have you been in Kansas during any general elections? A. Yes sir
Q Did you take part in any of those elections in Kansas? A I was running around with the boys, drinking and carousing.
Q Did you vote there? A. No sir.
Q What election was you in Kansas? A. I don't remember
Q How long ago has it been? A. I don't remember exactly.
Q You dont know if it has been 4 or 5 years ago? A. No sir I dont
Q You didn't vote in Independence? A. No sir.
Q You voted in Coffeyville in the town elections didn't you? A. I dont know as I did/
Q You don't know? A. I dont know, if I did I dont remember.

By the Commission:

Q Are your children living with you? A. Yes sir.
Q Where? A. On Snow creek.
Q In the Cherokee Nation? A. Yes sir.
Q Is your mother dead? A. Yes sir.
Q Was she a Cherokee freedman? A. Yes sir.
Q Was her name on the 1880 roll? A. On the Kern Clifton
Q Have you any proof of your marriage? A. I dont know as I has any on the ground.
Q Where were you married to Sophia? A. In Kansas.
Q You got a license didn't you? A I have a certificate.
Q You went to the Clerk's office and got a license didn't you? A. Yes sir.
Q Was Sophia dead when you married your present wife? A. Yes sir
Q Have you any certificate of marriage to her? A. No sir.
Q Where were you married to Mary? A. In Independence Kansas.

By Davenport:

Q Where was this child Blanch born? A. If I'm not mistaken, I want to be positive, I think she was born up here in her grandfather's house.
Q Where is her grandfather's house? A. Up on Cedar Creek
Q In the Cherokee Nation? A. Yes sir.
Q Where was Grace born? A. I think Grace was born in Kansas.
Q What point? A. Fort Scott.
Q Wher was George born? A. In the Cherokee Nation.
Q Wasn't the three all born in Kansas? A. No sir.

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By the Commissioner:

Q Grace was born in Kansas? A. Yes sir.
Q You was living there then? A. Yes sir, I was there at work.
Q You had your wife there then? A. Yes sir.

THOS MARTIN called and sworn as a witness for the applicant.

By Mellette:

Q What is your name? A. Fred Martin.
Q How old are you? A. 45
Q Where do you live? A. On Grand River in Saline District
Q Do you know this man Frank Shields? A. Yes sir.
Q Did you know his mother, Amy Martin? A. Yes sir, she is my aunt
Q Do you know if she was a slave in the Cherokee Nation before the war? A. Not to my own personal knowledge, I has always heard it though.
Q Do you know where she lived at the breaking out of the war? A. Not of my own personal knowledge
Q Where is she living now? A. I don't know exactly where she is living now.
Q Who is your aunt? A. Yes sir.
Q Is this Frank her son? A. Yes sir, said to be her son.
Q A son of Amy Martin? A. Yes sir.
Q How long since you have seen Amy Martin? A. 2 or 3 days ago.
Q Where was she? A. Here.
Q Is she here now? A. I dont think she is on the grounds now.
Q What is the condition of her mind now? A. I think it is not bright, I think she is crazy on religion.

AMY BEAN, called and sworn as a witness for the applicant:

By Mellette:

Q What is your name? A. Amy Bean.
Q How old are you A. 45.
Q Do you know this applicant? A. Yes sir.
Q Do you know his mother? A. Yes sir.
Q How long have you known her? A. I have known her since the war, didn't know her before the war.
Q When did you first know her after the war? A. I just dont remember whatn year it was; she is an aunt of mine my father's sister.
Q Who is your father? A. Fred Martin.
Q Not this Fred Martin here? A. That is my brother.
Q Are you on the roll of 1880? A. Yes sir
Q You didn't know her before the war ? A. No sir.

By Cpm'r Needles:

Frank Shields applies for himself, his wife Mary and for his three children, Blanche, Grace and Georga. He cannot be identified on the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he is the child of Ike Shields by his wife Amy Martin. He avers that he was first married to Sophia Duncan by whom he had two children, , Blanche and Grace, and the said Sophia and Blanche and Grace are identified on the Kern Clifton roll. No testimony is presented as to the citizenship of the said Sophia, the mother of the said two children. He avers that his present wife, Mary, is the child of Jordan Harper and Lydia Carter, and the said Lydia Carter has this day been enrolled on Cherokee Freedman doubtful card #716, and the

Frank Shields et al--#6,

and the testimony taken therein will be made a part of the record in the case at bar and a copy hereof filed herein. No satisfactory proof is made as to the citizenship of the applicant or his wife Mary. No proof of marriage is made between him and his said wife Mary, the mother of the youngest child.

Q Who is the mother of George A. Mary,

Or between him and the mother of the two oldest children, Blanche and Grace. It will be necessary for him to file proof of both of said marriages and also necessary for him to file proof of the birth of his youngest child George. It is averred that further testimony will be presented as to the citizenship of all these persons. Consequently the said Frank Shields and his wife, Mary , and the three children named in the testimony will be listed for enrollment as a Cherokee freedman on a doubtful card and he will be notified by mail of the action of the Commission.

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Chas. von Weise, being sworn states that a stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(SIGNED) Chas. von Weise

Subscribed and sworn to before me this the 27th of June, 1901, at Nowata, I.T.

(Signed) T. B. Needles
Commissioner.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full true and correct copy of the original transcript on file with the Commission.

Lucy M. Bowman

Subscribed and sworn to before me this 13" day of April, 1905

Myron Abbitt
Notary Public

To be filed with case of Frank Shield C.N.B. #719

Mallette & Ames for the Applicant
W. W. Ansteads for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 14th 1901.

In the matter of the application of Lydia Carter for the enrollment of herself as Cherokee freedman, she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Lidby Carter.
Q How old are you? A. About 44.
Q What is your post office address? A. Coffeyville, Kansas.
Q What district do you live in? A. Cooweescoowee.
Q In the Cherokee Nation? A. Yes sir.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My children
Q How many? A. Five.
Q Are you married? A Yes sir.
Q What is your husband's name? A. Charles Carter.
Q Is he a citizen? A. No sir.
Q Give me the names of your children? A. I have no children under age
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A. I ought to be on some of them.

Applicant's name not found on the roll of 1880.
Kern-Clifton roll examined and the name of applicant found as follows: page 168 No.5988, Lidvy Carter ( or Middleton) Cooweescoowee dist.
Wallace roll examined and applicant found as follows:
page 150 #8715, Lydia Middleton, Cooweescoowee district.

Q How did your name happen to be Middleton? A. I was married to him.
Q What is your husband's first name? A. Tobe.
Q Are you separated from him? A. Yes sir.
Q What is your second husband's name? A. Charles Carter, is my present husband's name.
Q You were married twice? A. Yes sir three times.
Q What was your first husband's name? A. Jordan Harper.
Q Is he living? A. No sir.
Q Who was your second husband? A. Tobe Middleton.
Q And your present husband is named what? A. Charles Carter.
Q Is Charles Carter living? A. Yes sir.
Q He is a state man? A. Yes sir.
Q When were you married to Charles Carter? A. 7 years ago.
Q The first time that your name was over Carter was seven years ago? A Yes sir.

( By Smith )

Q Were you a born slave? A. Yes sir.
Q Who did you belong to? A. John Stover.
Q What was John Stover's wife's name? A. Charlotte.
Q Were they citizens of the Cherokee Nation? A. Yes sir.
Q Were they Cherokee Indians? A I dont know if both of them was or not.
Q Was one of them? A. I guess they was.
Q Were you a citizen of the Cherokee Nation? A. Yes sir.
Q How old are you now? A. I don't exactly know, 45 or 9.
Q Where were you living when the war commenced? A On Ratios' Prairie
Q Where is Ratios' Prairie? A At the old home place.
Q Where was that, in the Cherokee Nation? A. Yes sir.
Q Have you any brothers and sisters? A. Yes sir.
Q Name them? A. Berry Thompson a half brother of mine, and Eliza Gaines

is my full sister, Angeline Stover is my full sister; Rose, and my brother that got Killed.
Q What was Rose's name? A. Rose.
Q Rose what? A. Stover.
Q Did she ever marry? A. I don't know about that.
Q Did you go out of the Cherokee Nation during the war? A. Our master carried us out and brought us back.
Q When did he bring you back? A. In '66.
Q Who with? A. With his family, I dont know who all, all of them.
Q Who do you mean by them? A. His children and their children.
Q Did his children come back with you? A. Yes sir.
Q With reference to your family, state which ones your were brought back with? A. Eliza Gaines, Jane Ford, Barry Thompson and my mother.
Q Where have you lived since you were brought back? A When we first came back I stopped with my sister Eliza Gaines in Gibson, I was small
Q Is she older than you or younger? A older.
Q Where do you live now? A. On Snow Creek.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there? A Since this N. C. roll, about 4 years I guess.
Q How long have you been married to Carter? A. Bout 7 years in December
Q Have you and Eliza Gaines the same father and mother? A. Yes sir.
Q You said Barry Thompson was your half brother, did you have the same mother? A. Yes sir.

( By W. W. Hastings )

Q What is your oldest child's name? A. Willie.
Q The next one? A. Jimmie.
Q Is Jimmie dead? A. Yes sir.
Q How old is Willie? A. I dont know.
Q About how old? A. I dont know his age.
Q Is Will married? A. No sir.
Q Living with you? A. No sir.
Q Is he grown ? A Yes sir.
Q About how long after the war was he born? A. I dont know how long after the war.
Q As much as ten years? A. He was born on Cabin creek.
Q Near what place on Cabin creek? A. At Mrs' Gaines on the Larkin place.
Q What kind of a house did you live in? A I dont know.
Q Where did you get your water?A. In the creek.
Q In the Creek? A. I suppose it was.
Q Not certain are you? A. No sir; in the summer we got it out of the creek and in the winter they cut a little hole in the ice and got it out of the creek too.
Q How long did you stay there? A. I dont know, seemed like it was a long time.
Q As much as 6 months? A I dont know, it seemed a long time cause I didn't like it there.
Q What was your husband's name then? A. Harper.
Q Is that Will's father? A. Yes sir.
Q Who married you and Jordan Harper? A. Joe Shields.
Q Where were you married to him? A. In Chetopa Kansas.
Q Do you know what year? A No sir.
Q How long had you been in this country when you married Harper? A I dont know.
Q About how many years were you living up here? A. I dont know.
Q About how many years after the war was it? A. I dont know.
Q You dont? A No sir.
Q What was your mother's name? A Mary Stover.
Q How long did you live with Harper? A. I dont know.
Q Where did you live with him? A. On Cabin creek.
Q Whose place? A. A little place of our own.
Q Where did he die? A. In Chetopa.
Q In whose house in Chetopa? A. I dont know whose house it was
Q How far was your place from Chetopa? A. About 12 miles.

Q How long did you live there on Saline creek? A I dont know until my children were born.
Q How many did you have born there? A. Seven.
Q Who were your neighbors? A Bill Tucker, a woman named Summers and Mr. Hunter.
Q When did you marry Washington? A. I dont know.
Q Where did you marry him? A. In Vinita.
Q Who married you? A. Fred Keeler.
Q The father of this Fred Keeler around here and of Ary Keeler? A. Yes sir.
Q Where were you married to Washington? A In the Cheoctaw Nation.
Q Who married you? A. A man named White.
Q And you got you some back with your owners family to the Cherokee Nation? A Yes sir.
Q And your owner was John Hooker? A. Yes sir.
Q He brought you back to what place? A. First to Red River and then he died and then we came on to Fort Gibson.
Q Then he didn't bring you back here? A. Part of the way until he died.
Q What year did he die? A. I dont know, dont know years now less they is told me.
Q What town in the Cherokee Nation did you first come to? A. Ft.Gibson I guess.
Q You guess? A. Not much of a town then.
Q Have you ever been there since? A. Yes sir.
Q When? A The last time was when the soldiers was settled there.
Q What time of the year was it that you first come to Gibson? A. I dont know.
Q Who did you live with there? A. Miss Gaines.
Q How long did you stay there? A I dont know.
Q Stay there a year? A. I dont have staid there that long.
Q Was it longer or shorter than that? A. I dont know.
Q What is your best judgment about it? A. I dont know.
Q Was it a year? A. I dont know.
Q Was it inside of a year? A. I dont know.
Q Was it five years? A. I dont know.
Q Was it inside of five years? A. I dont know.
Q What is your best judgment about it? Tell me about how long you staid there? You would know the difference between staying there a week and five years wouldn't you? A. If I was there now I would know, but I dont know anything about when I was a child.
Q You dont know if it was a week or five years? A. No sir.
Q You dont know what sort of a house you lived in? A. No sir.
Q Was your mother living there? A. Yes sir.
Q She was? A. Yes sir.
Q Did you know anybody about Fort Gibson then? A. No sir I dont remember any of them.
Q Where did you get from Fort Gibson? A. Came up here near the line on the Larkins place.
Q How many years was that after the war? A. I dont know sir, something I dont know nothing about. It seemed like we was living around all the time until I settled down and married.
Q What kind of a field was it at the Larkins place? A. I dont know.
Q What kind of a house, a painted house or an unpainted house? A. I dont know.
Q You dont know if it was a log house, a brick house or a frame house? A. I dont remember.
Q How long did you live there? A. I dont know.
Q Tell about how old a girl I think I married and moved off to myself.
Q You was a grown woman when you married? A. Yes sir.
Q You were married out there in the Cheoctaw Nation? A. Yes sir.
Q Do you know Hannah Tootee? A. Yes sir I knew her, Mrs. Tootee told me she was at North Mediator.
Q She was your young mistress? A. Yes sir.

Q Did you know her in the Cherokee Nation? A. Yes sir.
Q Did you see her after the war? A. No sir not since we come here from Texas.
Q Near what town in the Cherokee Nation did you marry? A. Hartshorn.
Q What children have you been to you by your last husband? A. I haven't any.
Q Who is Charles Carter now? A. At home.
Q Where is that? A. On Snow creek.
Q How long have you been on Snow Creek? A 2 or 3 years, I guess going on 4 years now.
Q Have you got a place up there now? A. Yes sir.
Q You have lived there since the last payment? A. Yes sir.
Q Where did you come from to Snow Creek? A Vinita.
Q How long did you live in Vinita? A. About 20 years.
Q Continuously? A No sir just the largest part of the time.
Q What sort of a house did you live in on Cabin creek? A. A little log house.
Q Did you make any sort of a crop there? A. Just what we could with a hoe.
Q Never had a team? A. No sir not then.
Q Jordan Harper never had a team? A No sir never was able to have one
Q How much was there in that patch? A Couple of acres.
Q Always tend it with a hoe did you? A. Yes sir, what time he lived he tended it and when he died I worked out.
Q What towns in Kansas did you work in? A. Chetopa.
Q Is that all? A. Yes sir.
Q You had seven children born to you by Jordan Harper? A. Yes sir.
Q Who did you sell that place to? A. No one.
Q Just vacated it? A. Yes sir, couldn't make a living there and left it
Q Did you stay there until those seven children were born? A. Yes sir
Q Was Welch Station there then? A. No sir.
Q What was your nearest town? A. Chetopa.
Q What direction were you from Chetopa? A North I guess.
Q When you would go to Chetopa would you go south? A. No we would go north I guess.
Q Was you north of Chetopa or was you south of it? A. We had to go up north to go to Chetopa, we lived on Cabin creek.
Q How far was the M. K. & T. Railroad from you? A. Wasn't there when we were there, never saw one.
Q Never saw a railroad around there when you lived there? A Yes sir.
Q Well how far was it from you? A. 15 miles, or 17 miles.
Q But you never saw it? A No sir, the first one that I ever saw was at Vinita.
Q Did you ever go to Chetopa when you lived on Cabin? A Yes sir.
Q That road doesn't run through Chetopa? A Yes sir.
Q Didn't you see it up there? A No sir.
Q What did you and your husband do for a living there on that place? A Just what we could, he would go to the States and work in the harvest field and I stayed at home and cought fish and made meal in a mortar and hominy and such things.

( By Smith )

Q When you went out of the Nation during the war, how far south did you go? A. I dont know.
Q Where did you go to? A. Went to Texas.

( By the Commission )

Q What was your father's name? A. Edmond Vann they said, I never seed him.
Q What was your mother's name? A. Mary Stover.

( Hastings )

Q Where is the first time you ever saw Moses Riley on Cabin creek? How many years ago? A. I dont know.
Q How old are you? A I dont know my age I dont know except what Mrs. Damon told me.

MOSE RILEY called and sworn as a witness for the applicant:
( By Smith )
Q What is your name? A. Mose Riley.
Q How old are you? A. 61.
Q What is your post office address? A. Chelsea.
Q Do you know this applicant Liddy Carter? A. Yes sir.
Q How long have you known her? A Ever since I was a small boy.
Q Where is she living now? A. Her place is on the other side of Cabin creek.
Q How far from Chelsea? A 35 or 40 miles.
Q In the Cherokee Nation? A. Yes sir.
Q Did you know her before the war or not? A. I used to, in time of the war.
Q Where did you see her then? A. I guess it was at Mrs. Stover's, I was a small fellow then, they taken me there and I knowed her mamma well and this was the girl that I got acquainted with there.
Q What was her mother's name? A. Mary.
Q When did you first see this applicant after the war? A. When they was coming from Fort Gibson.
Q Where did you see them when they were coming from Fort Gibson? A I was cutting corn for Col. Bell - - -
(By Hastings )
Q Col. L. B. Bell, commonly called Hooley Bell? A You sir Col. Bell.
( By Smith )
Q It was Hooley Bell was it? A. Yes sir.
Q When was this? A. Right after the war, notlong after the war.
Q You dont know how long after? A. No sir.
Q Have you known this woman since that time? A. Yes sir.
Q When did you see her the next time? A. I saw her on the old place known as the Larkins' place- - now I guess it is he Larkins' place, the place known as the Old Larkins' place, right close to the line.
Q Who owns it now? A. I dont know.
Q Well go on? A I think they settled there on that place.
Q Who do you mean by "they" ? A This child's mama and her children.
Q How long was that after you saw them when you was cutting corn for Col. Bell's ? A Perhaps two years, somewhere along near two years.
Q On which side of the line was that? A. South side of the line.
Q When did you see her next after that? A. It was at the same place, their brother hired me to build a house for them on the north side of Cabin creek
Q Near what point on Cabin creek? A One and a quarter miles of Bill Tucker's.
Q How far from Chelsea? A. I dont know.
Q Was it in the Cherokee Nation? A. Yes sir.
Q When did you next see her after that? A. Seed her here after that at Vinita.
Q Have you seen her here a few times or often since you saw her at Vinita? A Several times.
Q Do you know if Liddy is a relation of Eliza Gaines or not? A. She is her sister.
( By Hastings )
Q Where did Mrs. Stover live when you first sw this applicant? A I dont know exactly where it was, it was way over in there ( pointing ) some place.
Q How long had the war been going on then? A. I dont know.
Q ~~Do you~~ Who do you mean when you said that you knew her mother Mary very well, you know that Mrs. Stover was named Mary and this woman Liddy's mother was named Mary? A I mean Mary Stover, and we went to Jim Allen Thompson's place, the Stovers and the Thompsons had married. Liddy's mother was a Mary Stover and there there was a Mary Stover that was a Cherokee and owned them.
Q How far did James Allen Thompson live from Mrs. Stover? A I dont know, I was riding on behind my mistress on a horse and was a little

rather, just big enough for her to have me put me behind her, and I was asleep most of the time as we was going along, and sometimes she had to tie me on to keep me from falling off and I don't know how we went or how far it was.

Q Well it was several miles wasn't it? A. I don't know.

Q Well it was long enough for you to go to sleep between places wasn't it? A I went to sleep.

Q Do you know what sort of a house Mrs. Shover lived in? A I don't know what sort it was, I don't know if it was pine or what, I know it had been a bright place running up and down the hall for I was sitting there and the old lady Mobley or something like that came up and combed my hair for it.

Q Was it a frame or log house? A I don't know anything about it except been things on the porch.

Q Were they white? A. Yes sir.

Q Was that the time that you saw this woman Hazel A. Yes sir.

Q Was it on the River or prairie? A There was some timber that we went through.

Q And you saw her mistress Mrs. Shover at the place there? A. Yes sir, that is what they called her.

Q Was was there at the time? A. Yes sir, that was where we went that time.

Q And the first time that you ever saw her after the war was at at Booley Hall's place where they were cutting corn? A. Yes sir.

Q Did you have any talk with them then? A. Yes sir, I staid there right part of a spell.

Q Did they say where they were from? A Fort Gibson.

Q Whether was living there was he? A. I guess so.

Q Were there cutting corn for him? A. They was cutting corn.

Q And he was living there, Booley was? A. I went up there to the place to get my pony and he was there.

Q How many years after the war was that? A. Not long.

Q Do you know where this woman was married the first time? A No sir, she wasn't married at that time when I seed her that I know of, she had a boy with her or some kind of a child, I don't think she was married then.

Q What was its name? A. Will, I believe, I'm not sure.

Q Was Will old enough to talk then? A Might have been, he never talked none to me though, I never fooled with him.

Q It was this woman's child? A Yes sir.

Q Was you well acquainted with her first husband? A. No sir.

Q Did you ever got acquainted with her husband? A. Am acquainted with the one she has now.

Q What is his name? A. Carter.

Q Is that the only husband of hers that you became acquainted with? A I think one died.

Q You don't know where she married Carter? A. No sir.

Q How long has she lived where she is living now? A. I don't know.

Q How long have you known her up there? A. I have known where her husband is for six years.

Q She was there with one child when you saw her at Bell's? A Yes sir.

Q You know that she had one child then? A. Yes sir.

Q You are positive of that? A. Yes sir.

Maria Barnes, called and sworn as a witness for the applicants.

(By Mr. [illegible])

Q What is your name? A. Maria Barnes.

Q Are you related to the applicant, Lizzie Carter? A I know she is my sister.

Q Are you older or younger than you? A. Younger, she was the baby.

Q Did you have any brother? A. Mary Shover.

Q Who was your mother? A. Mary Shover.

Q Who was your father? A. Edmond Yann, brother to Jim Yann.

Q Was Liddy a slave? A. Yes sir she was born a slave child.
Q The Cherokee Nation? A. Yes sir.
Q Was he an Indian? A No sir.
Q Was he white? A. Yes sir.
Q Where was the wedd the war commenced? A. At the old place
Q Where was that, in the Cherokee Nation? A Yes sir, right where Mr. Keating's mother is living now. Four miles from Maysville.
Q Was this applicant taken out of the Cherokee Nation during the war? A Yes sir, went to Texas together.
Q When year did you come back? A. I dont know what years, I know my master brought us back.
Q Was this applicant with you? A. Yes sir.
Q Where did you first come back to? A. Fort Gibson.
Q In the Cherokee Nation? A. Yes sir, My master died in the Chickasaw Nation.
Q Who did you come the rest of the way with? A. I hired a man to bring us to Fort Gibson.
Q Who did he bring? A. Berry Thompson, and Mrs. Harris, and Liddy Carter and Jane Webb and my children that was born then.
Q Are these all of your family that he brought up? A Yes sir.
Q There was you and Jane Webb and Berry Thompson and Liddy Carter? A Yes sir, and Mrs. Harris.
Q Any more? A My mother and brother but they is dead.
Q Did your mother and brother and you four make up the family that came in that lot? A. Yes sir all came in the same lot.
Q When was it you got back to Fort Gibson? A. When the soldiers was there, in '66 they told me.
Q Are you the same Eliza Gaines that applied some time ago? A. Yes sir the same one.
Q What was your name before you married Gaines? A. Nash.
Q Was this sister of yours, Liddy Carter, was she or was she not, with you in that crowd when you came back to the Cherokee Nation, as described by you in your test mony in your own case? A She was with me and staid with me for some time after we got here.
Q How long did she stay with you after you got here? A Until she was a grown woman.
Q How long was that after you came? A I dont know, exactly how long.I can't read and dont keep no count of nothing like that.
(By W. W. Hastings )
Q How long did you stay in Fort Gibson? A. About a year.
Q What did you do there? A. I washed and ironed.
Q Who for? A. The soldiers.
Q Did you live in a house? A. No sir in a tent.
Q All the time? A. All the time, we had a tent like a house.
Q Who kept the store there? A. I cant tell you, I knowed it was an Indian but I dont know his name.
Q There was a store there? A. One store that we traded at.
Q Then you came up by Hooley Bell's place did you? A. Yes sir.
Q And then you went to the Larkins' place? A Yes sir.
Q And this woman was with you all that time? A. Yes sir.
Q What is her oldest child's name? A. Will, he is dead.
Q Where was he born? A. In the Choctaw Nation.
Q How old is this woman? A. I dont know.
Q How old was she when the war come up? A. I dont think she was as old as Dora then.
Q What Dora? A. Her young mistress, I dont know if it was Dora or Martha.
Q Was she a grown woman when the war done up? A. No sir, these negro girls get grown now when they is 15 or 16 years old.
Q Was she 15 or 16 years old then? A No sir.
Q Where was her youngest child born? A. I dont know.
Q Do you know where she married first? A. No sir.
Q Do you know where any of her children were born? A. Only Will.

Q Is that Bill? A Yes sir.
Q Do you know where she married John Middleton? A At Vinita I guess.
Q Do you know where she married John Middleton? A At Vinita I guess.
Q Did she ever live with Jackson Harper? A Yes sir. [illegible]
[illegible]
Q In the same house with you? A No sir.
Q How far from you? A Not very far, as far as that house over yonder [illegible]
Q How long did she live there? A Year or two.
Q Where did she go from there? A Went to Chelsea and hired out and [illegible]
Q When did her husband Harper die? A I dont know.
Q When did she marry Charley Carter? A I dont know.
Q Where is she living now? A On Pomeroy creek I believe it is.
Q How long has she lived up there? A She got a place up there after she [illegible] her money.
Q Where did she get her money, at which paying precinct? A. I dont know
Q How long did she live in Vinita? A. I dont know.
(By Smith)
Q Where is Possum creek, in the Cherokee Nation? A. Yes sir.

By Com'r Needles: Liddy Carter applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896; she is identified on the Kern Clifton and Vallery roll; she avers that her father was Edmond Vann and her mother was Mary Stover, and that she was a slave of the Cherokees before the war; she avers that she was married three times, first to Jordan Harper, then to Bob Middleton and then to Charles Carter her present husband. The applicant's attorney pray that the testimony taken in the case of her sister, Eliza Daines on Cherokee Freedman doubtful card be made a part of the record in the case at bar and it is ordered that a copy of same be filed herewith. Now the said Liddy Carter will be listed for enrollment as a Cherokee Freedman on a doubtful card and she will be notified by mail of the final decision of the Commission.

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Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

(Signed) Chas. von Weiss.

Subscribed and sworn to before me this the 5th of June, 1901 at Muskogee, I. T.

(Signed) T. B. Needles
Commissioner.

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Q How old are you? A. I don't know exactly how old.
Q Now, about how old? A. I got it you can see out. (&c.)
Q What is your post office address? A. Alluwe, I.T.
Q In what District do you live? A. Goweseeowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other Nation or tribe? A. No sir.
Q Have you been recognized by the Cherokee Nation as a Cherokee freedman? A Yes sir.
Q Is your name on the roll of 1880? A. I don't know.
Q Who do you want to enroll besides yourself? A. Myself.
Q How many children? A They are there ( Referring to paper )
Q Children all grown? A. Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicants name not found thereon.

Q Did you draw what is known as the Strip money? A. Yes sir.

The Kern Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon page 141, 5966, Eliza Grines, Goweseeowee District.

By Mr. Smith, of the firm of Smith & Mellette, Attorneys for applicant.

Q Were young slave? A. Yes sir.
Q Who was your owner? A. John Stover.
Q Was he a Cherokee citizen? A. No sir, my Mistress was.
Q What was her name? A. Charlotte Stover.
Q Where were you during the war? A. With my Master.
Q Did you go out of the Nation? A. Yes sir.
Q When did you get back? A. '66.
Q Do you remember what time in '66? A I come back in the fall of '66 near Christmas.
Q Where did you come to, what part of the Cherokee Nation? A. I come to Gibson.
Q Where do you live now? A. I live at Timbered Hill now
Q Have you a place there? A. Yes sir.
Q Farm? A. Yes sir.
Q Are you on the Kern Clifton roll? A. I guess I am on it, you will have to look and see.

( By W. W. Hastings, Cherokee Representative )

Q Whom did you come back to the Cherokee Nation with? A. I come back with John Stover.
Q He brought you back? A. Yes sir, brought us to the Chickasaw Nation
Q Did he die in the Chickasaw Nation? A Yes sir.
Q He didn't come back here after the war? A. No sir, he died over there but we come back.
Q After he died then you came on up to the Cherokee Nation? A. Yes sir. I hired a wagon and come on up to Gibson.
Q How, how many came along in that crowd? A There was not nobody but me and my sister, we hired a man to bring us.
Q What was your sister's name? A Jane Webb, she was Jane Brown at that time.
Q You hired a wagon did you? A. Yes sir.
Q Do you remember the man's name you hired? A. Mr. Brown, he was her husband.
Q How long did you stay at Fort Gibson? A. We staid there about, we came in the fall before Christmas, staid there until I gathered to travel again.
Q About how long? A. I guess it was about nearly over six months.
Q Were, we staid there and drawed rations.
Q Where did you stay with at Gibson? A. We was in a tent.
Q Just you two and her husband? A. Yes sir, and the children.

Q How many children did you have at that time? A I had nine and [illegible] and John Henry was living.
Q They were all living with you? A Yes sir.
Q Now did you move from Mt. Ararat? A. I moved from the mountains.
Q And where did you move to? A. I stayed there about a year and then we moved to Rocky Hill.
Q Rocky Hill? A Yes sir.
Q Where was Rocky Hill at that time? A. I can't tell you, but it was somewhere. There the old Post Oak Church and there was nothing there and anyway I knew it was where he lived, I was about for him.
Q Rocky Hill? A. Yes sir.
Q How long did you stay with Rocky Hill? A. Said there until going in the fall.
Q You stayed there from the summer until the fall? A. Yes sir.
Q Stayed with Rocky Hill? A Yes sir.
Q And the next year did you go back? A. No sir, when you moved up at Rocky Hill? A I don't know.
Q Now, when did you get A I went to Chetopa and stayed there.
Q Chetopa, Kansas? A. Yes sir, right across the line.
Q You didn't go into the state of Kansas? A. No sir.
Q You only went up near Chetopa on the Cherokee side? A Yes sir, on what they call.
Q Now, when did you work for up there? A We was working for ourselves.
Q And hired up to go out and work on Hickman, it was a man named Larkin.
Q Now, how long did you work for Larkins? A We stayed there a long time.
Q A number of years? A. Yes sir, until we moved down here.
Q Until you moved where you live now? A. Yes sir.
Q When you left Rocky Hill's place you went up to Larkins place? A Yes sir.
Q Are any of Mr. Larkins folks alive now? A. Not as I know of.
Q He had a family did he? A. Yes sir, he had four in his family, his wife and four children.
Q Was Mr. Larkins a citizen of the Cherokee Nation? A I dont know, he hired us to work.
Q Have you ever lived in Kansas since the war? A. No sir.
Q You never went up there at all? A. No sir, just go up there and come back.
Q You come back from near Chetopa to where you live now? A. Yes sir, I done live there now, I live on Timber Hill near Bluejacket.
Q I mean you come from the Larkins place down to near Bluejacket? A. Yes sir.
Q What direction is that, is it on the Coowescoowee side? A. Yes sir.
Q Towards the sunset from Bluejacket? A. Yes sir.
Q Did your sister go with you all these round you were talking about?
A She was with me pretty much of the time.
Q The three children go with you? A. They was with me some and I had some hired out.
Q You still about three or four years at the Larkins place? A Yes sir.
Q Did you have any neighbors around there? A There was my daughter [illegible] family.
Q [illegible] that family? A. John Sharer.
Q [illegible] live in the Cherokee Nation? A. Yes sir.
Q [illegible] about how far from Chetopa were you, about how many miles to [illegible] of your knowledge? A I guess it was about three or four miles.
Q [illegible] the Cherokee side? A. Yes sir.
Q [illegible] or Chetopa? A. Yes sir.
Q [illegible] you living there when the railroad came there? A. No sir, [illegible] living there long before the railroad was built.
Q [illegible] living there when the railroad was built? A Yes sir, there [illegible] when the railroad went through.
Q [illegible] living at Larkins when the railroad came there? A Yes sir.
Q [illegible] many, how far from the railroad track, they [illegible] A I I dont know, we could not hear the train.
Q [illegible] the south of the track? A That was on this side or the trees over

in Oklahoma.
( By Mr. Smith )
Q How many children? A. John Henry.
Q Name them? A. John Henry Nash, Julia Nash, Lizzie, Georgia Ann, Malinda, Polly Berry, the other three is dead.
Q Are they? A. Three is dead.
Q Are they alive now that you have? ( No response )
Q Did you mean that any of those whose names you give are dead? A. No sir.
Q Do they go by this name; are they still named Nash, or are they married? A. They are married.
Q What are the names of the girls? A Malinda Johnson and John Nash, he goes by his daddy's name, Georgia Jones, and Lizzie Martin and Polly Harrison.
Q Are they living? A. There is Mary Mayberry.

WHARLEY CHAMBERS, called as a witness on the part of Applicant sworn and examined by Commissioner T. B. Needles testified as follows.

Q What is your Name? A. Charley Chambers.
Q How old are you Mr. Chambers? A. 78.
Q What is your post office address? A. Hudson.
( By Mr. Smith )
Q Do you know Eliza Nash or Eliza Gaines? A Yes sir.
Q How long have you known her? A. Well, I have known her somewhere about in '60
Q Where did you know her? A. When I first known her she was at, my first acquaintance knowing her, I seen her at Fort Gibson.
Q You are a freedman? A. Yes sir.
Q Are you on the 1880 roll, or not? A. Yes sir.
Q Where were you during the war; did you go out of the Cherokee Nation A. No sir; Yes sir; I went out of the Cherokee Nation, but I was in the Territory, the Choctaws.
Q The Chester Nation? A. Yes sir.
Q Do you remember when you came back to the Cherokee Nation? A. Yes sir.
Q When was it? A. I come back in '66 65, I come back in '65; this side of Fort Smith over there down in the bottom on this side of the river.
Q How long was it after you come back before you became acquainted with or see Eliza Nash, or Eliza Gaines?A Well I come back in, along, in the Summer and I come up from there and came up to Tahlequah where my old folks was living and it was that winter about the next, I mean the next year, the winter I was over to Fort Gibson and seen her there.
Q About what season of the year was it you got back? A. Along in the summer, spring like.
Q Of 1865? A Yes sir.
Q And the following winter? A. No, it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.
Q Well, which was it, the following winter after you come back in the summer? A Yes sir.
Q Do you know her children, know what their names are all of them or not? A. No sir; I dont know; I never seen any of the children then, I didn't know anybody but her and she was up there, up there drawing government rations then when I seen her.
( By W. F. Hastings )
Q Did you see her there then the one time, Mr. Chambers? A. No sir; I seen her there as much as twice I know of; it was the first time I saw her there it was.
Q That was in the fall after you come back in the spring or summer ? A Yes sir; after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.
Q You are positive you saw her? A Yes sir, I am positive I saw her there

Q [illegible] Q [illegible] you see her? A. It is the same [illegible] Q [illegible] I said there all that [illegible] down there [illegible] that in the jail I came up here.
Q [illegible] know that? A. Yes sir, I know that in the jail.
Q You came here you [illegible] the reason of [illegible] A Yes sir, I said that [illegible] there as Fort Smith in the [illegible] Q Yes sir. I said that [illegible] that colored in the [illegible] And that [illegible] I came up to see my [illegible] I said [illegible] I would [illegible] I would [illegible] I would [illegible] I went down to Gibson, [illegible] and I said [illegible] there a little while and I went [illegible] and I was always a [illegible] and to nothing woman.
Q And you [illegible] her among all this? [illegible] A Yes sir.
Q You remember seeing her? A Yes sir.
Q Well when did you next see her? A. I seen her again a short time after that I saw her there in a store the next time I saw her.
Q Whose store? A. I can't call the man's name now but anyhow it was the store George Quidero was working in; I guess you know who it was, don't you recall.
Q Was she not there? A There at Fort Gibson.
Q When did you next see her? A. I never seen her from over there, I never seen her any more until I saw her up there where she is living now, at Timbered Hill.
Q How long was that after you saw her at Fort Gibson? A Four or five years.
Q You don't know where she had been in the mean time? A. No sir, but I don't think she had been anywhere but, I heard of her living up by William Parker's.
Q You never did see her up there? A. No sir.
Q Have you ever been arrested? A Yes sir.
Q What for? A. For several things.
Q How many times? A Twice, three times, one time for selling bows and one time for selling cedar posts.
Q [illegible] Court? A. Cherokee; arrested one time by the United States Court [illegible] A. For shooting at a man.
Q [illegible] done with you? A. Never done anything with me.
Q [illegible] try you? A. Yes sir, never done anything.
Q What did they do with you in the Cherokee Court? A. Nothing, turned me loose and let me go home.
Q [illegible] was convicted? A. No sir.
Q [illegible] remember seeing anybody but this woman in 1880? A. Oh, I seen [illegible] Q [illegible] of her family? A. If I did I didn't know em.

[illegible] Alberty, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. James Alberty.
Q What is your post office address? A. Choutoau.
Q How old are you, James? A. I am near 70 or older, I don't know.
Q [illegible] a citizen of the Cherokee Nation? A. Yes sir, I drawed money.
Q [illegible] on the roll of 1880? A No sir.
Q [illegible] against? A. Yes sir.
Q [illegible] A. I know her.
Q [illegible] A. I don't know how long, I know her [illegible] I don't know how long that [illegible] Q [illegible] Court.
Q [illegible] during the war; did you be one of the [illegible]
Q [illegible] the Cherokee Nation? A I returned in [illegible]
Q [illegible] where Wilix Wash was at that time? A I no [illegible]

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Q When did you see Eliza Nash? A. When I came back.
Q When was the first time you saw her? A. At Gibson.
Q When? A. '66
Q Can you state at what time it was? A. In the fall.
Q Did you know any of her family, any of her children? A No sir I could not tell anything about them.
Q Did you know her sister? A. Yes sir.
Q What was her sister's name? A. Lydia was one and Jghe was was one and if I dont mistake Mary was one, that I recollect.
Q Do you remember seeing any of them? A. Yes sir.
Q Who did you see? A. Lydia that I noticed.
Q That you remember? A. Yes sir.
Q Do you know of your own personal knowledge whether they, or any of them went out of the Cherokee Nation, and if so, when they came back?
A No sir I dont know?
( By W. W. Hastings )
Q Whom did you belong to when the war broke out? A. John Alberty.
Q John Alberty sold you out of here before the war? A. No sir, he didn't he sold Dave though.
Q You swear that you belonged to him at the time of the war? A. Yes sir, I never belonged to anyone else that I know of.
Q He never sold you out? A. No sir.
Q Where were you living when the war came up? A. Right at Pryor Creek right at the toll bridge.
Q Where was this woman living when the war came up? A. At Stover's.
Q How far was that from where you were living? A. I trained horses right there by Wilson's
Q Who did you train horses for? A trained horses for Jim Kell
Q And you knew Eliza before the war? A. Yes sir.
Q What were you doing at Fort Gibson when you saw her there? A Nothing just riding about getting drunk; that is all I did in that days; I had money and didn't work.
Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing, I dont know where she was living.
Q How do you happen to remember seeing her? A. I stopped there where she was and talked with her.
Q Did you see her there just once? A. The next time I saw her, ask me.
Q Where did you see her next? A. On Cabin creek.
Q Where was that? A. I dont know which way it is from here.
Q How far from Vinita? A. Good ways.
Q Near whose place? A. Bill Tucker's
Q On Cabin creek? A. Yes sir.
Q When was that you saw her there? A I dont know, it may have been a year or maybe more.
Q She was living up there then? A. Yes sir, in the house not far from Mr. Tucker's
Q Where did you see her the next time? A. Where she lives now
Q About how long was that after that? A. I dont know.
Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
Q West of Bluejacket? A. Yes sir, west of Bluejacket.
Q Jim, were you ever tried for anything by the Courts? A. No sir
Q Never was arrested? A. No sir, not by Courts, I was not
Q By Marshals? A No sir, I used to be a Marshal myself, I never was arrested for any crime or any kind, never was.

Cox'r Needles. Eliza Gaines applies for be enrollment of herself as a Cherokee freedman. Her name is not found upon the authenticated Roll of 1880 or any rolls now in the possession of this Commission except the Kern Clifton roll, and her name is found thereon according to the page and number as indicated in the testimony. Her name will be placed upon a doubtful card for

[illegible] stenographer in the employment of the Dawes Commission, being first duly sworn, states that as stenographer in the employment of the Dawes Commission, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

( Signed ) S. S. Newton

Subscribed and sworn to before me this 10th day of May, 1901.

( Signed ) C. R. Breckinridge
Commissioner.

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[illegible], upon my oath state that the foregoing is a true [illegible].

Chas von Wrede

[illegible] before me this 8th of September, 1901.

[illegible]
M D Green
Notary

File with case of Frank Shields, S.E.-S.[illegible].

Supl.C.R.-S.[illegible]. 3.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of ELIZA GAINES as a Cherokee Freedman, intermarried part of the Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JONATHAN GORE being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Jonathan Gore.
Q Where do you live? A I live near Bluejacket, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A I have made that my home since '78; I have lived in the Nation longer than that, but that has been my home since '78
Q When you located at Bluejacket or near where Bluejacket is now, were you over that section of country very much? A Yes, sir, I was around there quite often.
Q Are you acquainted with Eliza Gaines? A Yes, sir, I know Mrs. Gaines and her people.
Q How long have you been acquainted with Eliza Gaines? A Well, I don't know, I can't recollect the first time I ever met her, but it was along in '80 or 1; I ain't positive as to dates.
Q Do you know what they call Timbered Hill out there northwest from where Bluejacket is? A Yes, sir.
Q Do you know where she lives now? A I know where the old man lives, I suppose she lives with him, I never was right in the house; I have been right close to it.
Q Well, that section of country, were you through that section of country when you located at Bluejacket up to '81 or '2? A Yes, sir, I live near there and I was through the hill quite often, I had stock up there once.
Q When did these people settled up there to the best of your knowledge? A I can't tell you the exact time they settled there, it must have been '82 or '83; I never saw these people there in '79, '80 or '81, they might have come there in '82.
Q Well, were you over the country where they located there, where their improvements are? A Yes, sir.
Q Could they have had a place and you not known it? A There was no place where Mrs. Gaines lives now, that is none except the Cris Young place and he built his house in '81, and I assisted him in building it and was familiar with nearly everybody that lives on Timbered Hill at that time and there were no colored people living there.
MR. MELLETTE: When did you get acquainted with Eliza Gaines? A Well, sir, I can't state as to the time I got acquainted with her; I have seen her in town and the people said that was Mrs. Gaines, I can't give the exact date.
Q Now, you don't know whether you got acquainted with them when they first came up there about Bluejacket or not, do you? A I could not state positive when they came there at the exact time, I know there was none living there at the time I was putting, assisted Cris Young built his house and for quite a while afterwards.
Q You don't know anything about them being at Fort Gibson right after the war? A Nothing in the world about it.
Q And about them living down about Holley Bell's place? A No, nothing in the world about it.

Q And living up near Chetopa on at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A George Walker.
Q Where do you live, Mr. Walker? A Live on Cabin Creek.
Q What is your post office? A Monson.
Q Cherokee Nation? A Yes, sir.
Q How old are you? A I am 71.
Q How long have you lived in the Cherokee Nation, Mr. Walker?
A Well, I guess I have lived there all the time.
Q Well, how long have you livedup in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall of 66.
Q Been living in that locality since that time? A Yes, sir.
Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now/
Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
Q In the Cherokee Nation or State? A In the State.
Q Well, after you knew him living there, did he live on that place?
A I could not tell you.
Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
Q Has it ever been known by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
Q How far from the Boudinot ranch place? A About three miles.
Q And he lived there after the railroad came through? A Yes, sir.

MR. MELLETTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
Q How far across the line was it? A It is right in the edge of town.
Q Then, there was his place in the Cherokee Nation? A I am a little bit too fast, I think a man by the name of Reed first built it and Larkin got it away from him.
Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
Q Where was Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
Q Three miles from where he livednear Chetopa? A It is about four I guess.
Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else' name.
Q What? A He didn't own it.
Q He was a noncitizen? A Yes, sir.
Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell creek is right close to Chetopa, isn't it? A Almost three miles and a half.
Q Now, this Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it?
A Yes, Sir.

J. F. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

EXAMINER: What is your name? A J. F. Hurst.
Q What do you live, Mr. Hurst? A I live down at Oklahoma.
Q How old are you? A I am 49 years old.
Q Where were you raised? A I was raised, I was born up here at Chetopa, Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory practically and lived here the greater portion of your life? A Yes, Sir, that was in the Cherokee Nation then.
Q Where were you living when the war closed, Mr. Hurst, or near what place? A I was living, let's see, in '66 we lived on Elsome river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first time I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United States citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
Q After that time did you have any business transactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it; first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, what year was that place started after you got acquainted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left there? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about 1870.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of. I worked on the place all the time; I had it in my possession and tended cattle, had 250 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.

MR. WELLETTE: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards. I mean while you were there?
A Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is this from the Meldrum place? A It must be about mile and a half or two miles, I don't know but what the Meldrum place joins it.
Q Did you keep track of everybody that was there in that country?
A Why, at that time I did.
Q How far did your range extend, how far did you know the people?
A Well, my range extended from Bluejacket River over to the head of Cabin creek.
Q You watched everybody that came in? A I knowed everybody, nearly everybody.
Q Have you ever been convicted of any crime?
Mr. Davenport: I object to that.
Commission: The objection will be noted, and answer the question.
Q Were you convicted? A Yes, sir.
Q Were you sent to the penitentiary? A Yes, sir.
Q Where from? A I was sent from Oswego, Kansas.
Q How long ago? A Let's see, it was in '74.
Q What charge? A Grand Larceny.
Q How long did you serve? A Five years
Mr. Mollette: I ask that his testimony be stricken out?
Commission: The objection will be noted, and the testimony will be considered for what it is worth.
MR. DAVENPORT: Did you serve your time? A Yes, sir.
Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A Granville Craig.
Q Where do you live, Mr. Craig? A Big Cabin.
Q What is your post office? A Bluejacket.
Q How old are you? A 50.
Q How long have you lived in the neighborhood of Bluejacket?
A Since '76.
Q How far do you live from Timbered Hill out west of Bluejacket?
A About a mile.
Q How long have you lived in that section? A All the time.
Q When you came down in that country in 1873 who was living in that country? A Nobody.
Q Do you know Eliza Gaines? A Yes, sir.
Q How long have you known her? A Since '82.
Q Where was she when you first got acquainted with her? A Right there where she lives now.
Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.
Q How far is that from where you live? A About three miles.
Q You had been living up in that country from 1872 or '3 up until now? A Yes, sir.
Q What had you been doing there? A Farming and live stock.
Q Had they lived in that neighborhood from the time you went in there until you did them there building that cabin in 1882?
A No, sir.
Q You don't know where they came from? A No, sir.
Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.
Q Where was he living when you got acquainted with him?
A In Chetopa, right at the edge of Chetopa.
Q Do you know where he had that ranch down there on Russell creek?
A I could not say what time he run the ranch there.
Q How far is that from this Timbered Hill where you live?
A That is some 12 or 14 miles.

Q Do you know whether he was handling that roads where the M. K. & T. railroad came through on before A I think he was handling it at the time the railroad came through and some time afterwards.
Q You don't remember when he began? A No, sir.
MR. MCALISTER: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.
Q She located there in '82? A Yes, sir.
Q And lived there continuously since then? A Yes, sir.
Q That is in the Cherokee Nation? A Yes, sir.
Q You don't know where she lived before that? A No, sir.
MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines, do you know any of their children?
A Yes, sir, I know some of them, I know John Nash and he and used to know two or three girls that worked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on part of Cherokee Nation:
MR. DAVENPORT: What is your name? A C. C. Young.
Q Where do you live, Mr. Young? A Two miles west of Bluejacket.
Q How old are you? A 50 years old.
Q How long have you lived in that neighborhood, Mr. Young? A Since '81.
Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast if the main timbered Hill.
Q How long have you lived there at that place?
A Settled there in '81.
Q When you built there were there any colored people living near where you built? A Yes, sir.
Q Do you know Eliza Gaines? A Yes, sir.
Q Do you know any of her family? A Yes, sir.
Q What were their names? A I know John, Eliza, Malinda.
Q What does John go by? A Name of John Nash.
Q Now, when did they come into that country and establish any improvements? A The first I know of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.
Q In the fall you say they come from what direction were they coming? A They was coming a little southeast.
Q And they came back in the fall and located that year? A Yes, sir.
Q How far did they locate from where you had your place, Mr. Young?
A About a mile west.
Q They have been living there since that time? A Yes, sir.
MR. MCALISTER: You don't know where they lived before that?
A Well, some of them said they lived over in the Jenkins settlement.
Q Where is that? A That is west of Timbered Hill.
Q That is in the Cherokee Nation is it? A Yes, sir.

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:
MR. DAVENPORT: What is your name? A J. W. Clark.
Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.
Q Your wife stays here doesn't she? A Yes, sir.
Q How old are you? A I am 58 years old.
Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.
Q What place were you living? A When the war closed?
Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '65.
Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living now.

Q Well, did you afterwards have anything to do the latter years as crop to render on the Hooley Bell place? A Hooley Bell place here, you mean? I lived about seven or eight miles that, it was known as the Joe Martin place then, that is the Hooley Bell place.
Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.
Q What year? A '66.
Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't nothing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.
Q Was there any cultivated land there in '67? A There was not any, Captain Bell moved back on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Witness: L. B. Bell; 62; Vinita.

Q Where were you living at the close of the war, Mr. Bell?
A My family was in Rusk County, Texas, I reckon I was living there.
Q When did you come back to the Cherokee Nation? A I come back here in 1867.
Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah District; I think I moved into the house in November 1867, I built the house there.
Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.
Q Was you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commenced it in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.
Q Do you know Eliza Gaines? A No, sir.
Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she home, there was some negroes there that belonged to old John Stober, stopped and cut the corn.
Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from?
A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time they had got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directly about where they had come from, or as to whether they had just come into the country or not.
Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there in 1867 I had a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.

MR. MILLETTE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she?
A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John Stover's slaves and I so took it, and believe it yet.

Q Well, sir, when you see Eliza Gaines after the war? A I didn't know that I ever saw Eliza Gaines after the war.
Q Well, now, Col. Bell, you made an application for her before the Wallace Court? A I guess I did.
Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-
Mr. Davenport: I object to it unless he is going to introduce the affidavit.
Mr. Mellette: I am going to introduce the affidavit.
Q When did you say you saw them? A In '68. I don't remember that I had any corn before that.
Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was making a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who lived in Delaware District for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.
Note: L. B. Bell is a member of the Cherokee National Council/
Subscribed and sworn to before me this September 11th, 1889.
John W. Wallace, Commissioner."
A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.
Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better then than it is now about the crop refering to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.
Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.
Q Did you know Nancy Demeron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.
Q was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.
Q Is she dead or alive? A She is dead I think she resided in this town here.
Q I have here a statement of Eliza Gaines made before John W. Wallace, U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the begin ing of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the Secretary of the Interior.
Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial, the Eliza Gaines, being alive and having testified in her original application in this case.
Mr. Mellette: I ask now to introduce the affidavit of Nancy Demeron, she is dead, which affidavit is as follows:
Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because we feel that it is incompetent and inadmissible and there are living witnesses by whom the same facts can be established. Cameron's sister and others are now living, who know the same facts that Mr. Cameron knew and one of whom is here in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Mallette: Now, the attorney for the Applicant files the affidavit of Nancy Cameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedman cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#242, D.#382, D.#231, D.#232, D.#716, and also in the case of Eliza Quince, D.#220.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.

Commissioner.

Lumberjack Association on September 8 at 8 P.M. and of interest to the
Department of Agriculture Bulletin 1 Pamphlet "Lumber and Its
Uses" is just as good as any of the other bulletins and pamphlets
and is available for distribution to the public. Copies of the
bulletin may be obtained from the Department of Agriculture
for a nominal charge. Copies of the pamphlet may be obtained
free of charge in the
Information Office, Department of Agriculture.

Lumberjack Association meet

Lumberjack Association meet at Cumberland Gap on Friday, August 8, 1952

Proof D [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 7th, 1902.

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman.

Applicant appears by Kellette & Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible] Moses Whitmore, Trustee for the Freedmen, vs The Cherokee Nation, No. 17[illegible] filed in the Mariah Hayden case D [illegible], a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frank Shields, D 719;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, Grantee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

F-19719

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COMMISSION TO FILE TRUTHS

Cherokee F D-720.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Amy Shields as a Cherokee freedman.

APPEARANCES:
Applicant represented by her son, Frank Shields, and attorney, R. W. Blue.
Cherokee Nation by its representatives, J. S. Davenport and L. T. Bell.

THOMAS ARCHER, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Thomas Archer.
Q Where do youreside? A Up in Coowescoowee.
Q Do you know Emma or Amy Shields? A I know Amy.
Q Do you know Frank Shields? A Yes sir.
Q Do you know what relation she is to Frank? A Said to be her son.
Q You mean by that, that she is his mother? A Yes sir.
Q Do you know whether or not she was the slave of a Cherokee citizen at thebeginning of the Civil war? A Yes sir.
Q To whom did she belong? A To Joe Martin.
Q How long had you known her at that time? A I had known her about ten years before the war.
Q How old are you? A I am 88.
Q About where did her owner live at the commencement of the war?
A Lived on Cabin Creek.
Q What was his wife's name, her owners wife? A I forget her name.
Q Do you remember any of the names of Joe Martin's family? A His son was named Dick I think that is all iI know.
Q Did you know any of his negroes? A Yes sir.
Q Any addition to Amy Shields but were other slaves that belonged to him? A Her mother name was Celia and her father, Harry, and her brother, Pate, and her other brother named Tobe, and one named Lew.
Q Do you know Colonel Hoolie Bell? A Yes sir.
Q Did you know him before the Civil war? A Yes sir.
Q What relation if any was he to the owner of Amy Shields? A Some relation to Joe Martin, I don't know , uncle I guess.
Q You don't know for certain? A No sir, but he knows that.

BY MR. DAVENPORT:
Q You knew that before the war? A Yes sir.

L. R. BELL, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A L. R. Bell.
Q How old are you? A 65.
Q Your post office address? A Vinita.
Q Are you a Cherokee? A Yes sir.
Q How long have you resided in the Cherokee Nation? A I guess I have been here since 1840.

Q Do you know Joe Martin? A Yes sir I know one Joseph L. Martin.
Q Was he related to you? A He was an uncle of mine.
Q Did you know him at the commencement of the Civil war? A Yes sir.
Q Where did he reside then? A He lived right up at the crossing of Cabin Creek on the old Military road, Saline District at that time.
Q Did you know Amy Shields, a colored girl that belonged to him?
A He used to have a colored girl named ~~Emma~~ Amy, sometimes called Emma. He had his own negroes and his brother's negroes and amongst them there was 65 or 75 and I believe the understanding was she belonged to him.
Q She was a slave of some Cherokee? A My understanding is she belonged to him. It is possible that she belonged to a brother of his.
Q At any event she was a slave at that time? A Yes sir she was a Cherokee negro.
Q You mean she was the slave of a Cherokee citizen? A Yes sir she was either the slave of Joe Martin, Richard L. Martin, or Gabriel Martin's estate.
Q Were they Cherokees? A All the Martins were Cherokees.
Q You don't know anything about Amy Shields now do you? A No sir not anything in the world about her since 1862 when the Federals carried the negroes off north. I think from what I find here in trying her case I have seen her a time or two.
Q What official position, if any, do you hold with the Cherokee Nation at this time? A I am senior attorney hearing this freedmen enrollment, I guess that is a position.
Q What official positions have you held in the Cherokee Nation?
A I have been about 40 out of 47 years in official positions in the Cherokee Nation, it would take me too long a time to tell you.
Q In these positions you have represented the Cherokee Nation?
A Yes sir, I have been representative of the Cherokee Nation from the District Clerk's office to representative at Washington, all except being Chief and one or two other things that I don't want. We never set up any dispute about Amy being a Cherokee negro, the point that we raise is she is not entitled under the Treaty, although she is a Cherokee negro.

FRANK SHIELDS, being duly sworn, testified as follows:

BY MR. KLUE:
Q What is your name? A Frank Shields.
Q About how old are you? A I don't know my age, exactly, somewhere near about 40 or 41 I suppose.
Q What relation do you sustain to Amy Shields, the applicant?
A She is my mother.
Q Are you the Frank Shields that has applied for the enrollment of Amy Shields? A Yes sir.
Q Why does she not apply for herself? A She is not of very sound mind.
Q Is she living now? A Yes sir.
Q Where is she? A At my house.
Q Where is your house? A On Snow Creek.
Q In what nation? A Cherokee Nation.
Q Do you know whether or not she was on the authenticated roll of 1880? A I think she was.
Q Do you know it? A No sir, I don't know it.

Q If she was on that roll what is your understanding as to what name she was enrolled by? A It ought to have been Amy Martin or Shields, I don't know which.
Q Was she a Cherokee slave? A Yes sir.
Q At the commencement of the Civil war? A Yes sir.
Q To whom did she belong? A Joe Martin.
Q Was he a Cherokee citizen at that time? A I couldn't say, I suppose he was.
Q Do you know whether or not your mother was on any of the other rolls of Cherokee freedmen? A She was enrolled but her name was not found I don't think, on the pay roll.
Q How do you know that she enrolled? A She went before the Commission.
Q What Commission? A Wallace I believe.
Q Do you know whether or not she went before the Kern-Clifton Commission? A I don't know whether she did or not.
Q Do you know anything about what is your mother's other name?
A Some calls her Emma and some Amy.
Q Where did you live in 1898? A I was living where I am now.
Q Where was that? A On Snow Creek, Cherokee Nation.
Q How long have you had your home at the place where you now reside? A I suppose I have been there about 6 or 7 years.
Q Where had you resided before that time? A Just before that I was about 6 or 7 miles south of here.
Q Were you living in the Cherokee Nation all the year 1898? A Yes sir.
Q Had your home here at that time? A Yes sir.
Q Have you ever had a permanent home at any other place than in the Cherokee Nations? A No sir not of my own.
Q At how many different places in the Cherokee Nation have you - resided? A Well where I am now.
Q How long have you lived there? A About 7 years I suppose.
Q Go on and state the other places and about the length of time at each? A The next place I lived wasn't my own.
Q With whom did you live at the other places? A Joe Duncan, my father-in-law at that time.
Q Where was that, in the Cherokee Nation? A Might call it Cherokee Nation, once at Cedar.
Q Does your mother reside with you? A Yes sir.
Q How long has she lived with you? A She has been making her home now often and on with me for about 4 or 5 years.
Q Where did she reside before she resided with you? A She stayed awhile on Grand River and a while at Vinita.
Q Both places in the Cherokee Nation? A Yes sir.
Q Did she have a home of her own at Grand River and Vinita? A No sir.
Q Whom did she stay with at Grand River? A Needy Martin and some of her children I believe, around with relatives.
Q Was that the case too at Vinita? A Yes sir.
Q Who did she reside with there? A Page Martin I believe.
Q How old is your mother now, if you know? A She don't know and I don't, I judge somewheres along about 60, I don't know.

BY MR. DAVENPORT:
Q How old are you? A I don't know my age exactly I suppose somewheres along about 40 or 41.
Q Where were you living when you first remember? A I don't know exactly.

Q I will ask you, in order to refresh your memory, did you ever live in or near Mapleton, Kansas? A Yes sir.
Q How old were you? A I don't know just how old I was.
Q Was your mother living there at that time? A Yes sir, I believe she was.
Q That was a short time after the war, was it not Frank? A I don't know I guess it was.
Q You lived in and near Mapleton, Kansas, for several years if you can remember, did you not? A I believe I did.
Q About what year did you move back to the Cherokee Nation Frank?
A I don't know as I could give the dates, just when it was.
Q You have lived for 6 or 7 years where you live now? A Yes sir.
Q How many years did you live at Joe Duncan's, your step-father's, before you moved where you live now, after you came back from Kansas? A I don't think I lived there more than two or three years.
Q Where else did you live after you came from Kansas before you went to Joe Duncans? A I didn't have no home.
Q You stayed some where? A Yes sir at places.
Q How many years did you stay at different places after you returned from Kansas before you went to Joe Duncan's place? A I don't know as I lived a year particularly at all, I was in and out.
Q Joe Duncan was your step-father, wasn't he? A No sir.
Q Did you have a step-father? A Not as I know of.
Q You and your mother and family kept house up in Kansas there didn't you? A I never kept house, she may have.
Q Didn't you live with her? A Sometimes I was there, yes sir.
Q You were there and worked for her and with her, didn't you?
A Yes sir.
Q Did your mother come back to the Cherokee Nation at the same time you did or did she come before or after? A My mother was here, in and out.
Q When she broke up her home in Mapleton, Kansas, and moved to the Cherokee Nation did she come at the same time you did or not?
A When she broke up I wasn't living with them at all, I was running around.
Q You were grown then? A I suppose I was, I was grown when I got home.
Q You were a grown man when your mother moved from Mapleton, Kansas, back to the Cherokee Nation, wasn't you? A Yes sir, I suppose so
Q And she came there at the same time you did or before you did, did she not? A I couldn't say, I guess she was here before I was, I guess——
Q You can't remember the year that you came? A No sir, I can't.
Q Or you can't remember the year that your mother came, can you?
A No sir because I guess she came here before I remember.
Q You don't remember living anywhere with your mother before you were living at Mapleton, Kansas, do you Frank? A No I can't.

BY MR. BLUE:
Q How long has your mother been residing in the Cherokee Nation, continuously that you remember of? A I guess somewhere along, often and on, in and out, about 20 years some odd I suppose, I can't remember.
Q Was your mother residing in the Cherokee Nation in '98? A Yes sir.
Q Did she reside in the Cherokee Nation all of the year 1898?
A Yes sir.

Q Has she been residing here ever since that time? A Often and on all of the time, yes sir, I believe she has.
Q Has she any other home than in the Cherokee Nation? A No sir.
Q Has she ever, to your knowledge, had any other permanent home than in the Cherokee Nation? A No sir.
Q You speak of having been in the Cherokee Nation, in and out, what do you mean by that? A I would come in and feel around and if I got work I worked, and if I couldn't I would go out and get it.
Q For what purpose did you go out of the Cherokee Nation when you went out? A To make a living.
Q Why did you go out of the Cherokee Nation to make a living?
A Because there wasn't work enough here to do to make a living.
Q When you went out of the Cherokee Nation into other places did you have any purpose of making a home at any other place than the Cherokee Nation? A

Mr. Davenport: Objected to as incompetent, immaterial and not cross examination of any matter brought out by the representatives of the Cherokee Nation.
Commission: Objection noted. Witness will answer.

A No sir.

BY MR. DAVENPORT:
Q What years was it that you went out of the Cherokee Nation for the purpose of getting work that you couldn't get in the Cherokee Nation? A I don't exactly know what years.
Q What is your prevocation or vocation that you follow as a laborer?
A Hod carrier.
Q Was it before or after you moved from Hapleton, Kansas, to the Cherokee Nation that you went for the purpose of getting work?
A As far as my moving, I didn't move I just picked up and went on, I had what I had on by back.
Q You can't tell me what year or years it was you went out to get labor? A I don't know just exactly.
Q You are not working at the hod carrier's trade now? A No sir.
Q How long since you worked at the hod carrier's trade? A Just about 11 or 12 years I guess.

BY THE COMMISSION:
Q Do you know where you were born? A From what I have been told, I think I ~~[illegible]~~ was born on Cabin Creek.
Q During the time the rebellion was going on? A I suppose it was or right after, I don't know which, I couldn't say exactly, I don't know.
Q Are you the oldest one of your mother's children? A No sir there are two older than me, the oldest is dead.
Q One older than you living? A Yes sir.
Q Where can you first remember of living? A I expect, I know for sure, I expect it was in Kansas the first time I can remember.
Q Then you lived there did you up until you were big enough to shift for yourself? A Yes sir often and on I think.
Q That was your home there with your mother? A Yes that is where I stayed when I was at home.
Q Did your mother go out of the Cherokee Nation during the war?
A I think she did, yes sir.
Q Do you know which way she went? A I don't know whether she went out until after she was free, I guess she went out afterwards.
Q Sometime after the rebellion? A Right after she was free I think she went to Kansas.

Q You mean by that after the war ended here? A Yes sir.
Q You don't know what year that was? A No sir, I don't.
Q And when she returned she came to what part of the Cherokee Nation? A I think it was pretty close to the old homes, I don't know just where that is at.
Q Do you know what district it is in? A No sir.
Q When you speak of the old home place you mean the old Martin place up here in what was formerly Saline District? A I suppose it was Saline District, it was the old Martin place.
Q Were you, if you know, born before or after the commencement of the rebellion? A I was born, I think as near as I can tell, somewhere right after the war I guess.
Q You was free born were you? A I suppose I was.

BY MR. TLUE:
Q Do you know Frank whether your mother had a permanent home in Kansas at any time?
Mr. Davenport: The representatives of the Cherokee Nation object to thelanguage "permanent" because there is a legal construction as to what constitutes and permanent home.
Commission: Objection noted. Witness will answer.

A Not only just where I guess we were working, making a living, probably father would rent a place or something like that, or would be working for a man and the man would furnish the house I suppose.

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The following testimony was introduced on behalf of the Cherokee Nation.

F. D. MYRICK, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A F. D. Myrick.
Q What is your age? A 69 years old.
Q What is your post office address? A Mapleton, Kansas.
Q How long have you lived in or near Mapleton, Kansas? A Since December, 1856.
Q You were living there then before the war of the rebellion began?
A Yes sir.
Q Did you ever know or get acquainted with any colored people around there by the name of Shields? A Yes sir.
Q Do you remember their first names? A Yes sir.
Q What was that? A The first Shields was a Mose Shields.
Q Was he a married man? A Yes sir.
Q What was his wife's name if youremember? A Yes sir, I knew his wife's name, his wife's name was Betty.
Q Did you know any other Shields? A Yes sir.
Q Who were they? A I knew Ike Shields.
Q MDid he have a family? A He didn't when I first knew him.
Q Did he afterwards have a family? A Yes sir.
Q Do you know what his wife's name was? A Yes sir.
Q What was it? A Emma or Amy, I don't know whether it commenced with an E or not, we called her Amy.

Q When was it you got acquainted with Ike Shields and his wife Amy?
A I have known Ike Shields ever since he was a boy. He was a Missouri darkey, he come there with his father from Missouri, sometime during the war, I expect in '63 I think is when old Moses came out from Missouri, afterwards his family came.
Q When did you first know Amy Shields, the wife of Ike Shields?
A About '63 I guess. Of course when they were put down there it took me sometime to get acquainted with all the darkies there, there was so many.
Q Do you know about when Ike and Amy were married? A No sir, I don't recollect exactly when they were married but it was along about the first of '70 - '72 or '73 is when I knew they were living together, or '74, I will say '74 anyway.
Mr. Blue: The representatives of the applicant object to that answer as not being responsive to the question.
Commission: Objection noted.

Q Had Amy been living around near Mapleton from the time you got acquainted with them up until the time you learned they were living together as man and wife? A Yes sir.
Q Do you know whether or not Amy and Ike raised any children?
A Yes sir.
Q Do you remember their names? A No sir, I did know the boys names, but I have forgotten the children's names.
Q You say they had some boys? A Yes sir.
Q How long did they continue to live in or near Mapleton, Kansas, after you knew they were living together as man and wife? A From about '74 until, I will say '83.
Q Do you know where they went to when they left Mapleton, Kansas?
A Yes sir.
Q To what place did they move? A Mound City.
Q How far is Mound City from Mapleton? A About twelve miles.
Q Do you know howlong they lived there? A No sir I don't, they were there a few years, might have been four or five years, may be not so long.
Q During the time you knew them, from the time they were married up until the time they left there in '83, did they keep house? A Yes sir.
Q How far did they live from where you lived, or about how far?
A They lived a part of the time about two miles or two and a half miles from where I lived when they first went to keeping house, or where I first knew of them keeping house and living together.
Q Do you know whether or not Amy had any family there before she and Ike were married? A She had one child.
Q What was its name? A Frank.
Q Have you ever seen Frank since they left that country? A Yes sir.
Q When was that? A Here this morning.
Q The same Frank that just left the witness stand? A Yes sir.
Q That is the same identical fellow? A I don't know that I would know him, but that is the same boy.
Q How long did Frank, the witness who just tstified in this case, and his mother live in and near Mapleton, Kansas before you knew of Ike Shields and Amy living together as man and wife?
A Some eight or ten years, probably from the time she came there, that was in '63, on up until '74. They moved on my place and then I know they were living together then, because I used to eat dinner with them lots of time.

Q Ike Shields and his wife, Amy, lived on your farm part of the time they lived up there, did they? A Yes sir.
Q How long did they live there? A They lived on the place three years, that is my Lynn County farm.
Q And they moved on it in what year? A I think it was in '74, and lived there '74-75 and I think '76.
Q Was Frank living with them at that time? A I think Frank was there, I have no positive recollection of this boy being at home much of the time.
Q Where did Amy and Frank live before that time with reference to where you lived? A To have any positive recollection of where they lived I could not tell you exactly only around the vicinity of Mapleton, I couldn't identify the spot.
Q Do you remember her father's name? A Yes sir.
Q What was it? A Walter.
Q Walter what? A Walter Martin.
Q Where did he live with reference to Mapleton? A He lived on my Lynn County farm down where I lived on my farm in '63-64 and '65, I guess.
Q Did Amy live there with him at that time? A She was there frequently around the place.
Q How far was that from Mapleton? A One-half mile.

BY MR. BLUM:
Q By what name are you usually know in your home Mr. Myrick?
A Dick Myrick.
Q Your name is not Richard, is it? A No sir.
Q But the people who know you best all call you Dick Myrick?
A Yes sir.
Q You formerly resided, and I expect you do yet, in Lynn County, Kansas? A Yes sir.
Q As I understand you, Frank Shields, as he is called, was the child of Amy or Emma Shields before she was married to Ike Shields? A Yes sir.
Q There were quite a number of colored people brought up there to the vicinity of your place during the war and turned loose there, were they not? A 250 probably on my place.
Q By whom were they brought there? A Said to be the Government, Government wagons were hauling them.
Q Were they in charge of United States soldiers? A Soldiers were along with them, some were loose driving their own teams and the Government assisted them.
Q How soon after these were brought on your place was it until you first saw Amy or Emma Martin nee Amy Shields? A I expect they stayed there for three or four years on the place.
Q Are you able to state now when you first saw Amy Martin, now Amy Shields? A That was in about '63 when they were dropped there and '64 and so on.
Q You don't pretend to say Mr. Myrick that you kept the knowledge or recollection of all those that were dropped on your farm, do you? A No sir, not all of them.
Q Up until Amy was married or at least until she went to living with Ike Shields, how frequently did you see her after she came there? A Sometimes every day, and sometimes it would be a week.
Q Didn't she work around at different places then? A Yes sir I think she did.
Q You never noticed her frequently until after her father went to living on your place, did you? A Yes sir.

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Q Where did you see her before that time? A One night across the river there at a dance, and she was a nice dancer she was.
Q Were you attending the colored dances? A Yes sir, I went to all the colored dances then days.
Q As a matter of fact Dick, you didn't know much about the boy Frank, only you knew he was there? A No sir, I didn't.
Q She was up there at work, she made her father's house her home, didn't she? A I think she did, along in the first part of their coming there.
Q Was Ike Shields a son of Moses Shields? A Yes sir.
Q You say Moses Shields came from Missouri? A Yes sir.
Q About when? About '63 I think.
Q Was Emma or Amy Martin there at that time? A Yes sir.
Q And about when was it Amy and Ike Shields began living together?
A I couldn't say when they began to live together, but I -----
Q I believe you didn't say you saw they were living together until when they came on your place? A Yes sir.
Q When was that? A Must have been in '74.
Q After these people left your farm there and the immediate vicinity you say they went to Mound City? A Yes sir after they left the vicinity of Mapleton they went to Mound City.
Q Do you know anything much about them after that time? A No sir.
Q What time do you think it was when they went up to Mound City?
A About '84 sir.
Q During the time they lived down in your vicinity as you stated, did they ever own any farm or property of their own which they made there home? A No sir.
Q Did they own any real estate of any kind during the time you knew them? A No sir.
Q What was their business during the time they were there? A Working for wages.
Q Did any of them attend your farm for you? A Yes sir Ike worked for me pretty near all his life.
Q You mean by working for wages, that when they were not engaged in working the crop they worked for wages? A Yes sir, part of the time I gave him a part of the crop.
Q When he was attending your farm how did he attend it? A Worked by the day and month.
Q How near does your Lyon County farm run to the Bourbon County line? A Ninety three rods.
Q In what county in Kansas is Mapleton? A In Bourbon County, near the northern central part.
Q When, if you recollect, did you last see Emma or Amy Shields in Kansas? A I couldn't exactly get right down to the year, but it was right close and not far from '84 that I was at their house where they lived in Mound City and had quite a talk with her.
Q That is the last time you saw her? A Yes sir.
Q Did you ever see her in the Territory after that? A No sir.
Q After they left your immediate vicinity you don't know where they went? A No sir.

BY MR. DAVENPORT:
Q You say you remember when this Amy Shields first came to the town or near the town of Mapleton? A Yes sir.
Q It was which she came with? A It was supposed that she come with the Government, she come with what we called refugees, a band of darkies that come from the Cherokee Nation.
Q How old do you think she was at that time? A She must have been twenty years old.
Q Was her father and mother along? A Yes sir.
Q Both of them? A Yes sir.

Q And you think you got acquainted with her about '64? A Yes sir.
Q And you knew her up until they left that vicinity? A Yes sir.
Q You are positive of that, are you? A Yes sir, that I was acquainted with ~~some known~~ or Amy Shields.
Q Her residence during that time was continuous was it, did you see her very frequently? A Yes sir.
Q You know that she lived there during that time? A Yes sir, she used to be one of my best cooks, took dinner with her many a day when I was on the farm.

BY MR. WEAR:
Q Do you know Mr. Myrick, whether or not when she came up there with that company whether this boy Frank was with her then or not? A He was not with her.
Q He was not with her? A I don't think he was.
Q Do you know positively? A No I don't know positively.
Q That is something you are unable to testify to? A He was not, that is all there was to it, because she was a girl.
Q About how was she when you first knew her there? A About 18 or 20 years, that Frank was born there in the bend of the creek.
Q Were you at the birth of Frank? A I was pretty near it.

This was all the testimony submitted in this case on this date.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Chas. M. Sawyer
Notary Public.

Cherokee Freedmen Enrol.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, November 18, 1904.

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In the matter of the application of Frank Shields, et al. for enrollment as Cherokee Freedmen.

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On November 18, 1904, the applicant appears by his attorneys, Blue & Bulger, and the Cherokee Nation by its attorneys, Reid, Hastings & Davenport, and submit this case on the evidence now of record.

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Opal Griggs being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Opal Griggs

Subscribed and sworn to before me this 20th day of December, 1904.

Charles N. Thompson
Notary Public.

FILED
MAY - - 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 719.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. MAY 4, 1908.

In the matter of the application for the enrollment of Mary Shields et al., as Cherokee Freedmen. C. F. D. 719.

APPEARANCES:

Applicant appears in person

Cherokee Nation by Attorney, Jas. S. Davenport.

MARY SHIELDS being duly sworn testifies as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A. Mary Shields.
Q What is your mother's name? A. Lydia Carter.
Q How old are you? A. I am about 50.
Q What is your post office address? A. Coffeyville.
Q Coffeyville, Kansas? A. Yes sir.
Q Where were you born? A. I don't know where I was born.
Q Where were you living when you can first recollect?
A. Living in Vinita.
Q How old were you at that time, when you first recollect living at Vinita? A. I don't know sir.
Q Haven't you some idea? A. No sir.
Q Were you married? A. No sir, I wasn't big enough to marry.
Q How old were you when you were married? A. I don't recollect how old I was.
Q How long have you been married? A. I don't know.
Q Where have you lived as long as you can remember, now, tell us about it? A. In the Cherokee Nation, at Vinita.
Q How long did you live in Kansas? A. I never lived in Kansas.
Q Never did? A. No, not that I know of.
Q Have you ever been in Kansas? A. Yes, I have been in Kansas.
Q Where did you go in Kansas? A. Went to peoples houses, of course.
Q Go up there to see your mother? A. No sir, she wasn't there.
Q How long did you ever stay in Kansas. A. I don't know sir.
Q Did you ever stay in Kansas a year at a time? A. No. I don,t know whether I ever lived there a year at a time or not.

BY MR. DAVENPORT:

Q Where do you live now, Mary? A. On Snow Creek.
Q How far from Coffeyville? A. Eight miles.
Q Did you ever live in Coffeyville, or any other place in Kansas, since you can recollect? A. No sir.
Q How long have you been living on Snow Creek? A. I don't recollect just how long it has been.
Q Where were you living when you were married? A. To this husband I have got now?
Q Yes? A. On snow Creek

Mary Shields et al. C.R.B.-Sip--61

Q Were you married before? A. Yes sir.
Q Who to? A. To Ed Christopher.
Q Where were you living then? A. In the Choctaw Nation.
Q How long did you live in the Choctaw Nation? A. I don't know.
Q Can't you remember how long you lived in different places?
A. No sir.
Q At what point were you living in the Choctaw Nation?
A. I don't know.
Q Don't you know near what town you were living in the Choctaw Nation, when you were married? A. Well, not very far from South McAlester, near Old McAlester.
Q What year were you married to Ed? A. I don't know.
Q How old were you then? A. I don't know, sir.
Q Older than when you recollect living at Vinita? A. Yes sir, when I lived in Vinita I was small.
Q Do you ever recollect living at all in Kansas, at any place in Kansas? A. Ever since I was big enough to remember I lived in Vinita.
Q But have you ever lived in the State of Kansas since you were big enough to remember? A. I am not living in no state of Kansas now.
Q That was not what I asked you?

Commission: Repeat the question, Mr. Davenport.

Q Now, have you ever lived in Kansas since you were big enough to remember? A. No sir.

BY COMMISSION:

Q Have you ever testified before the Commission before? A. No sir.
Q Are you the mother of a child called Gauger Shields?
A. I don't understand that name. I am down there with one child, his name is George.
Q Is that child living? A. No sir, he is dead.
Q When did she die? A. It wasn't a she; it was a boy. I don't know what year it was, my husband knows what year it was.
Q You don't remember anything about the death of this child?
A. No sir, I don't know.

LYDIA CARTER being first duly sworn, testifies as follows:

COMMISSION:
Q What is your name? A. Lydia Carter.
Q Are you the mother of Mary Shields, this applicant? A. Yes sir.
Q Where was she born? A. On Cabin Creek, near Deer Creek.
Q Did she always live with you? A. Yes sir, part of the time she was raised at Vinita.
Q By whom? A. By Mr. Hawkins, and Mrs. Hawkins, his first wife.
Q Did she make her home in Vinita? A. Yes sir.
Q How long did she live there? A. Eighteen years.
Q Then where did she go?A. Down in the Choctaw Nation.
Q Did she go there with you? A. Yes sir.
Q How long did you stay there? A. About three years
Q How long have you been back from there? A. About ten years,
Q Did she come back with you? A. Yes sir.
Q Since then where has she been living? A. About nine years.

Q But where has she been living these nine years? A. Oh, up here about Snow Creek.
Q Where was she married? A. Up there on Snow Creek.
Q How long has she been married ? A. I don't know just how long
Q Was she married to this man since you came back from the Choctaw Nation? A. Yes sir.

Q How long did she live with her first husband? A. She lived with him until he was sent to the penitentiary, then she quit him.
Q Where did she marry him? A. In the Choctaw Nation.
Q Did she live with him a year or two, or three, or how long? A. Well, I think she lived with him about two or three years; he was gone about two years.
Q How long did she remain single? A. About three years, I expect
Q Since she married this man Shields has she lived with him? A. Yes sir. She ain't never come home, and they generally come home when they quit a man, you know.
Q When did this child George die? A. I don't remember, I can't tell one year from another.
Q What is your best judgment as to how long it has been? A. I don't know. I don't know 16 years or 19, or 20, or anything.
Q You can tell whether it has been two or three years? A. Yes, I can tell two or three years, but I wasn't there.
Q Where were you? A. I was down in the Choctaw Nation, I went down there to work.

BY MR. DAVENPORT:

Q Were you people ever applicants for citizenship in the Choctaw nation. A. No sir.
Q Did you ever apply except in the Cherokee Nation? A. No sir.
Q Never claimed citizenship in the Choctaw nation? A. No sir, never had no claims except in the Cherokee nationn.

FRANK SHIELDS being duly sworn, testifies as follows:

BY COMMISSION:

Q What is your name? A. Frank Shields.
Q Are you the husband of Mary Shields? A. Yes sir.
Q Have you a child named George? A. Yes sir, I did have.
Q Is this child dead? A. Yes sir.
Q When did this child die? A. As near as I can remember, the latter part of August or first of September 1902.
Q Where was he burried? A. Down on the river, near where we lived, at what is called the Ross grave-yard.
Q Did you have an undertaker? A. Yes sir.
Q Did you have a doctor when this child died? A. Well, I went to town and got medicine for him a week or two before he died.
Q Where did you get this medicine, at what town? A. At Coffeyville
Q At what drugstore? A. Let me see, I think at the Boothby Drug store, I think it went by that name.
Q Did you have a Dr's prescription? A. I disremember whether I went there and got it or whether the Dr. got it. The Dr's name was Cruden.
Q Is that Dr. living now? A. I think he is living at Coffeyville now.

BY MR. DAVENPORT:

Q Near whom were you living, Frank, when this child died? A. My closest neighbor was a Dutchman by the name of Brinkman.
Q What was his first name? A. I don't know his first name.

Mary Shields et al. C.F.D 719-04

Q. Who else lived near you; How far did you live from Anee Weems and them people? A. Probably a mile and a quarter, about.

Lydia Carter, the mother of the applicant, Mary Shields is identified on Cherokee Freedman card 1302, and as No. 3604, on the final roll.

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Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the first above mentioned date, and that this is a true and complete transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 5th day of May, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 10, 1906.

SUPPLEMENTAL PROCEEDINGS had only in the matter of the application for the enrollment of MARY SHIELDS as a Cherokee freedman.

APPEARANCES:
For Applicant, Louis T. Brown.
For Cherokee Nation, W. W. Hastings.

MARY SHIELDS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Mary Shields.
Q How old are you? A 30.
Q What is your post office? A Coffeyville, Kansas.
Q Are you the wife of Frank Shields? A Yes sir.
Q You are an applicant for enrollment as a Cherokee freedman? A Yes sir.

BY LOUIS T. BROWN:
Q Where were you born? A Upon Cabin Creek.
Q In what nation? A Cherokee Nation.
Q Have you ever lived outside of the Cherokee Nation for any length of time? A No sir.
Q Where do you live now? A On Snow Creek.
Q How long have you been living there? A Ever since I was married.
Q In what year did you marry? A I don't know sir what year it was.
Q In reference to the freedman payment, when was it? A Since the payment.
Q Where did you live before you moved to where you are now living?
A We lived in Vinita, we moved from Vinita up there.
Q Have you always resided in the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:
Q Where were you married, who married you? A I don't know what the man's name was.
Q Now where? A We were married up in Independence.
Q Kansas? A Yes sir.
Q When were you married? A I don't know what year.
Q How many times have you been married? A Twice.
Q When were you first married and what was his name? A Ed Christopher.
Q Where were you married? A In the Choctaw Nation.
Q Was he a Choctaw? A I don't know, I don't think he was.
Q Was he the father of Blanche? A No sir.
Q Is your present husband the father of Blanche, Grace and Georgie?
A No sir.
Q Who is the father of the se 3 children? A Frank Shields.
Q Your last husband is the father of them? A Yes sir.
Q How long did you live with your first husband? A I don't know sir how long we lived together.
Q A month or 15 years, guess at it? A We didn't live together for 15 years, I guess may be 4 or 5 years.
Q Where did you live with him? A Here.
Q How long did you live with him in the Choctaw Nation? A I guess may be two or three years.

Q What is your mother's name? A Lydia Carter.
Q Was she living in the Choctaw Nation when you married your first husband? A Yes sir.
Q You married your second one in Independence, Kansas? A Yes sir.
Q How long had you been living in the Choctaw Nation when you married your first husband? A About a year may be.
Q Where you had you gone from down there? A From here to go down there.
Q How long had you been living in Independence, Kansas, when you married Frank Shields? A Never lived there in my life.
Q How long had you been up there when you married? A Just went up there one day.
Q Where was Blanche born? A I don't know, she is only my step-chil.
Q Is Georgie your child? A Yes sir.
Q Is that Blanche in your lap? A No sir.
Q How old is the next one to Georgie? A 3 years old.
Q Now when were you and this man Frank Shields married? A I don't know what year it was, we married, I don't know what year it was.
Q Were you married during this last payment or before that? A We were married this last payment.

BY LOUIS T. BROWN:

FRANK SHIELDS, being first duly sworn, testified as follows:

BY LOUIS T. BROWN:
Q State your name? A Frank Shields.
Q Post office? A Coffeyville, Kansas.
Q Are you the husband of Mary Shields, the applicant in this case?
A Yes sir.
Q When were you and Mary married? A If I make no mistake I think in 1898.
Q Where were you married? A In Independence.
Q Were you living there at that time? A No sir.
Q Have you and Mary ever resided in Independence, Kansas? A No sir.
Q Where was she living she she married? A Where we now live on Snow Creek.
Q Is that in the Cherokee Nation? A Yes sir.
Q Do you know of your own personal knowledge of her ever residing out of the Cherokee Nation? A No sir.
Q Is she your second wife? A Yes sir.

BY MR. HASTINGS:
Q You have only known her since you married her in 1898? A No sir I knowed her when she was a little bit of a tot.
Q How long before 1898? A Well, I don't know just exactly, I know she was a little girl when I first know her.
Q Do you know where she married first? A No sir, I don't.
Q You knew she lived in the Choctaw Nation then? A No sir, I didn't know it then.
Q You don't know then that she has always lived in the Cherokee Nation, do you? A I never said she always did, but to my knowledge I know only when she was down there.
Q Did you know she married down there? A I know she married, but I didn't know she married there.
Q Did you ever see her first husband? A No sir.
Q You don't know where they lived together? A No sir, I don't.
Q You didn't know anything about her whereabouts during that time?
A No sir.

ON BEHALF OF THE COMMISSIONER:
Q The child Georgie is dead, is she? A Yes sir.
Q When did she die? A I think in September, 1901, I guess as well as I can remember.
Q She died before the Cherokee rolls closed, did she? A I couldn't say.
Q She died too early to get an allotment or be enrolled? A I don't know that.
Q Are you sure it was in September, 1901, when she died? A It was a boy, I don't know.

BY MR. HASTINGS:
Q How old was that child when it died? A Now it was only, they were enrolled you can count it, I think it was about the time it was enrolled about 5 or 6 weeks old.
Q How long after was it when it died? A I don't know positive.
Q About how old? A Probably it might have been 4 or 5 months old.
Q That is your best judgment? A Yes sir.
Q You seem to have applied in June, 1901, and the child was then given as a boy 3 weeks old, did it die the following September?
A It probably may have been.
Q The following fall at least was it? A Yes sir, I think so.

MARY SHIELDS RECALLED:

ON BEHALF OF THE COMMISSIONER:
Q What year did your child Georgie die? A I don't know sir when he died.
Q Was it big enough to walk? A No sir, he couldn't walk.
Q Just a little baby? A Yes sir.
Q Your husband thinks it died in September, 1901, do you think that is right? A I guess it is.

PAYTON MARTIN, being first duly sworn, testified as follows:

BY LOUIS T. BROWN:
Q State your name? A Payton Martin.
Q How old are you? A I am about 58.
Q What is your post office? A Vinita.
Q How long have you lived in the town of Vinita? A 21 years.
Q Do you know Mary Shields the applicant? A I have known her, yes sir, about 16 or 17 years.
Q Where was she living when you first become acquainted with her?
A In Vinita.
Q Do you know her mother? A Yes sir.
Q What is her name? A Lydia Harris.
Q Sometimes called Lydia Carter? A Yes sir.
Q Do you know any of her brothers and sisters? A I know Robert Harper.
Q Do you know her sister? A I know her sister.
Q What is her sister's name? A Allie.
Q Do you know whether or not they are twins? A I have heard they were twins.
Q About how long did you know them in and around the town of Vinita?
A About 18 years.
Q Were they living there with their parents at that time? A Living there with their mother.
Q Do you know where Mary lives now? A No sir.

MOSES RILEY, being first duly sworn, testified as follows:

BY LOUIS T. MOORE:

Q What your name? A Moses Riley.
Q How old are you? A 55 or 56.
Q What is your post office address? A Vinita.
Q Do you know the applicant, Mary Shields? A Yes sir.
Q How long have you known her? A All of her life.
Q Where does she live? A Lives between Big Creek and Coffeyville, on the north side of Snow Creek.
Q Is that in the Cherokee nation? A Yes sir.
Q How long has she been living there? A I don't know just how long, quite a while.
Q About how many years? A I couldn't tell, I don't know just when she went there.
Q Do you know where else she has living in the Cherokee Nation?
A Lived on Cabin Creek and she lived at Vinita.
Q You say you have known her all of her life? A Yes sir.
Q Have you seen her frequently in the Cherokee Nation? A Yes sir, ever since she was a baby.
Q Do you know of her ever residing outside of the Indian Territory?
A Not that I know of.

BY MR. HASTINGS:

Q Did you ever hear of her residing out? A No sir, I have never heard of her residing out, I have seen here out.
Q Where? A At Coffeyville and different places.
Q Do you know where she was married? A No sir, I don't.
Q Do you know where she was married the first time? A No sir, not either time.
Q Do you know where she was living when she married the first time?
A No sir.
Q Don't you know for a number of years she was down in the Choctaw Nation and was married there the first time? A I know she was there, yes sir, but I know where her mother's place was in ~~[illegible]~~ Vinita.
Q I am asking do you know where this woman was living when she married the first time? A No sir.
Q Wasn't she away from Vinita a number of years? A I don't know sir how long they were down there.

Case closed.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 14th day of August, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amy Shields et al., as Cherokee freedmen, consolidating the applications of :

| | |
|---|---|
| Amy Shields, | Cherokee Freedman D 720 |
| Frank Shields et al., | Cherokee Freedmen D 718. |

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D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Frank Shields for his mother, Amy (or Emma) Shields; and by Frank Shields for, among others, himself and minor children, Blanche and Grace Shields. The others included in said application have been otherwise disposed of and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Copies of the testimony taken at different times and places in re applications of Berry Thompson, Lydia Carter and Eliza Gaines, for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The record further shows that on March 5, 1904, this Commission rendered its decision herein denying the said applicant, Amy Shields, the right to enrollment as a Cherokee freedman, and that said decision was duly forwarded to the Department; thereafter, on June 10, 1904, (Departmental letter I.T.D. 4626-04), said case (D 720), was remanded for further investigation, and, on July 28, September 14, and November 18, 1904, further proceedings in the matter of these applications were had at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Amy Shields, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicant, Frank Shields, was born since the commencement of the rebellion, is a child of the said applicant, Amy Shields, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said mother, and that

the minor applicants, Blanche and Grace Shields, were born since 1880, are the children of the said applicant, Frank Shields, and one Sophia Shields, deceased, and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said parents.

The said Sophia Shields, deceased, was the daughter of Joe and Millie Duncan, both deceased, and, from the records in the below numbered cases, it appears that the said Sophia Shields, deceased, was born since the commencement of the rebellion. In C.F.N. 692 and 693, it has been heretofore found by this Commission that the said Joe and Millie Duncan did not comply with the provisions of Article IV, of the treaty of 1866, and that the applicants in said cases, Emma Williams and Elizabeth Tignon, full sisters of the said Sophia Shields, deceased, were not entitled to enrollment as Cherokee freedmen.

Excepting the Kern-Clifton roll, none of the applicants herein, nor the said Sophia Shields, deceased, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that its decision of March 5, 1904, as to the rights to enrollment as a Cherokee freedman of the said Ary Shields, should be affirmed; and that the application for the enrollment of Frank Shields, Blanche Shields and Grace Shields, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 1 1906

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amy Shields et al., as Cherokee freedmen, consolidating the applications of :

| | |
|---|---|
| Amy Shields, | Cherokee Freedmen D 720 |
| Frank Shields et al., | Cherokee Freedmen D 718. |

--|--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Frank Shields for his mother, Amy (or Emma) Shields; and by Frank Shields for, among others, himself and minor children, Alexander and Grace Shields. The others included in said application have been otherwise disposed of and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Copies of the testimony taken at different times and places in re applications of Berry Thompson, Lydia Carter and Eliza Gaines, for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The record further shows that on March 5, 1904, this Commission rendered its decision herein denying the said applicant, Amy Shields, the right to enrollment as a Cherokee freedman, and that said decision was duly forwarded to the Department; thereafter, on June 10, 1904, (Departmental letter I.T.D. 4626-04), said case (D 720), was remanded for further investigation, and, on July 25, September 14, and November 15, 1904, further proceedings in the matter of these applications were had at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Amy Shields, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicant, Frank Shields, was born since the commencement of the rebellion, is a child of the said applicant, Amy Shields, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said mother, and that

the minor applicants, Blanche and Grace Shields, were born since 1866, are the children of the said applicant, Frank Shields, and one Sophia Shields, deceased, and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said parents.

The said Sophia Shields, deceased, was the daughter of Joe and Millie Duncan, both deceased, and, from the records in the below numbered cases, it appears that the said Sophia Shields, deceased, was born since the commencement of the rebellion. In C.F.N. 692 and 693, it has been heretofore found by this Commission that the said Joe and Millie Duncan did not comply with the provisions of Article IV, of the treaty of 1866, and that the applicants in said cases, Rena Williams and Elizabeth Tinnen, full sisters of the said Sophia Shields, deceased, were not entitled to enrollment as Cherokee freedmen.

Excepting the Fern-Clifton roll, none of the applicants herein, nor the said Sophia Shields, deceased, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that its decision of March 5, 1904, as to the rights to enrollment as a Cherokee freedman of the said Amy Shields, should be affirmed; and that the application for the enrollment of Frank Shields, Blanche Shields and Grace Shields, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 1 [illegible]

Cherokee Freedman D 719

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee Freedmen.

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on June 12, 1901, Frank Shields appeared before the Commission to the Five Civilized Tribes, at Chelsea, Indian Territory, and made application for the enrollment of, among others, his wife, Mary Shields, and minor child, George Shields, as Cherokee Freedmen. The others included in said application have been otherwise disposed of, and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Further proceedings in the matter of said application were had on May 4 and August 10, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Mary Shields, was born since the close of the rebellion, and has, with the exception of a few years spent in the Choctaw Nation, continuously lived in the Cherokee Nation since birth;- is the mother of the minor applicant, George Shields, and is a daughter of one Lydia Carter.

In Cherokee Freedman D 716 (now 1302), the Commission to the Five Civilized Tribes, in its decision rendered on September 5, 1903, found that the said Lydia Carter complied with the treaty stipulations of 1866, and was entitled to enrollment as a Cherokee freedman, and on April 4, 1904 (Departmental letter I.T.D. 836-04), its decision was affirmed by the Department.

The evidence in this case further shows that the said George Shields died in September , 1901, an affidavit to that effect being filed herewith and made a part of the record herein.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 ( 30 Stat., 495), Mary Shields is entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly granted, and that, under the provisions of section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of George Shields as a Cherokee Freedman, should be, and the same is, hereby dismissed.

COMMISSIONER

Dated at Muskogee, Indian Territory,

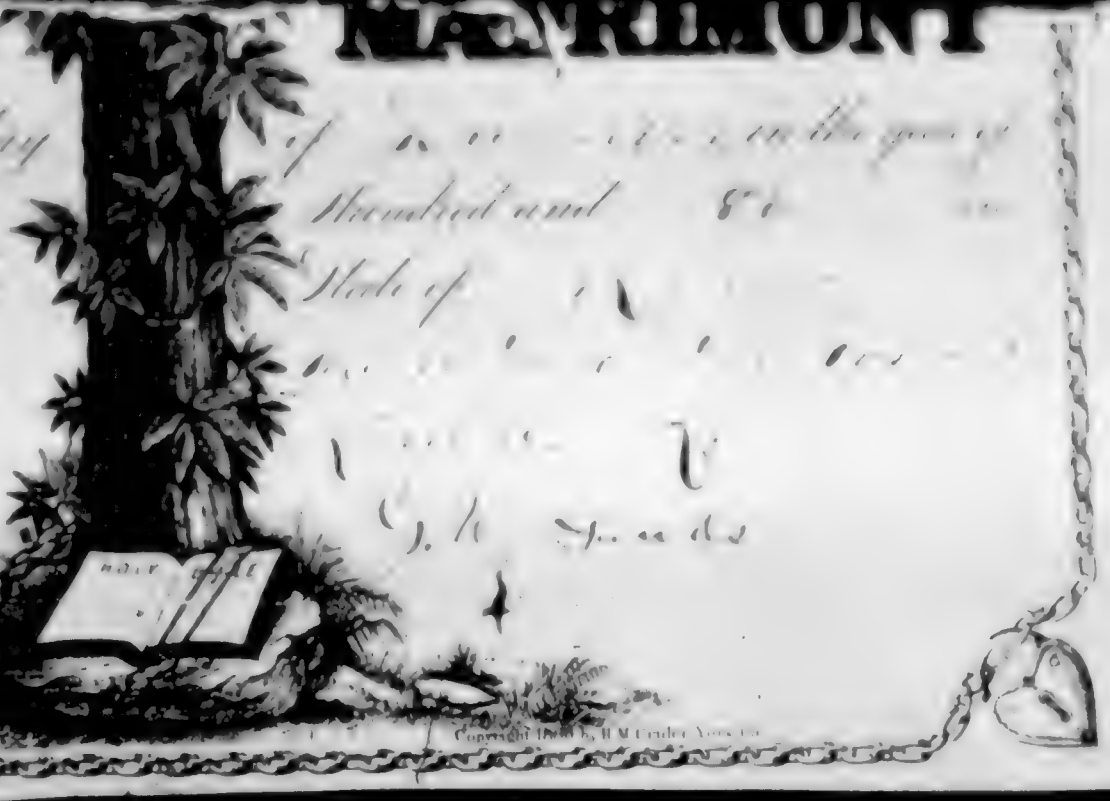
this OCT 31 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

This Certifies
It is not good that the man should be alone Gen. 2 18
I will make him an help meet for him Gen. 2 18
THAT
AND
WERE
UNITED
IN HOLY
MATRIMONY
on the day of on the year of
Our Lord One Thousand Eight Hundred and
according with the laws of the State of

# IN HOLY MATRIMONY

on the day of in the year of
Our Lord One Thousand Eight Hundred and
according with the laws of the State of



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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901
Acting Chairman

PROBATE JUDGE'S CERTIFICATE

STATE OF KANSAS,
Montgomery County, } ss.

# IN THE PROBATE COURT IN AND FOR MONTGOMERY COUNTY, KANSAS.

I, W. B. Searle, Probate Judge in and for said County and State aforesaid, do hereby certify that the following is a true and correct copy of a marriage license issued to Charles F. Shields and Mary Searle, and also the certificate of their marriage as returned under said license.

as the same appears of record in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed the Seal of said Court, at Independence, Kansas, this 22d day of June, A. D. 1891.

W. B. Searle, Probate Judge.

State of Kansas, County of Montgomery

OFFICE OF PROBATE JUDGE OF SAID COUNTY.

# MARRIAGE LICENSE

To any Person Authorized by Law to Perform the Marriage Ceremony, Greeting

Charles F. Shields, Age 18, Residence Coffeyville Kansas

Mary Carter, Age 22, Residence Coffeyville Kansas

H. D. Ferree

State of Kansas, County of Montgomery, ss.

I, Abraham L. Hanbey, do hereby certify that in accordance with the authorization of the within license, I did, on the 5th day of September, A. D. 1898, at Independence, in said County, join and unite in marriage the within named Charles F. Shields and Mary Carter

WITNESS MY HAND and seal the day and year above written

Attest:

H. D. Ferree

Abraham L. Hanbey
Pastor M. E. Church
Probate Judge

Cherokee Freedmen-D-719.

IN RE
Application for Enrollment of
INFANT CHILD

George Shields
as a citizen of
Cherokee Nation.

Approved Jun. 12 1901

T. B. Needles,
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED
TRIBES.
F I L E D
Jun. 12, 1901.

Tams Bixby,
Acting Chairman.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation

of George Shields (Give full name of child) born on the 15 day of May 1901

Father of Child Frank Shields Freedman citizen of the Cherokee Nation

Mother of Child Mary Shields Freedman a citizen of the Cherokee Nation

Post Office Coffeyville, Kans.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Mary Shields, on oath state that I am 24 years of age and a citizen, by Blood, of the Cherokee Nation, that I am the lawful wife of Frank Shields, who is a citizen, by blood, of the Cherokee Nation, that a male (Male or Female) child was born to me on 15 day of May 1901, that said child has been named Georga Shields, and is now living.

Frank Shields.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 7th. day of June 1901

David G. Elliott, Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Liddie Carter, a Midwife, on oath state that I attended on Mrs. Mary Shields, wife of Frank Shields on the 15 day of May, 1901; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Georga Shields.

Liddie her X mark Carter.

WITNESSES TO MARK:

(Must be Two Witnesses)

Geoge Jinse

John Shields.

Subscribed and sworn to before me this 7th. day of June 1901.

David G. Elliott. Notary Public.

[illegible]

IN RE
THE ESTATE OF
George [illegible]
a citizen of the
Cherokee Nation

Approved AUG 14 1905 and [illegible] 190
[illegible]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
AUG 14 1905
[illegible]
Commissioner

8/10/05

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Georgia Shields
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided on or near
Coffeyville Kansas (Here insert name of post office.) Ind. Ter. and died on the day of
September 1901

---

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Motzo DISTRICT.

I, Mary Shields on oath state that I am 70 years of age and a citizen by adoption of the Cherokee Nation; that my postoffice address is Coffeyville Kansas (Here insert name of post office.) Ind. Ter.; that I am Mother (State relationship to the intent to claim a relative on) of Georgia Shields (Here insert name of deceased.) who was a citizen, by adoption of the Cherokee Nation and that said Georgia Shields (Here insert name of the relative) died on the day of September 1901

Mary her X mark Shields

WITNESSES TO MARK

(Must be Two Witnesses) { W. M. Phillips
J. Kane

Subscribed and sworn to before me this 10 day of August 1905.

Bruce E. Jones
Notary Public.

---

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Motzo DISTRICT.

I, Frank Shields, on oath state that I am 41 years of age, and a citizen by adoption of the Cherokee Nation; that my postoffice address is Coffeyville (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Georgia Shields (Here insert name of deceased.) who was a citizen, by adoption of the Cherokee Nation; and that said Georgia Shields (Here insert name of deceased.) died on the day of September 1901

Frank his X mark Shields

WITNESSES TO MARK:

(Must be Two Witnesses.) { W. M. Phillips
J. Kane

Subscribed and sworn to before me this 10 day of August 1905.

Bruce E. Jones
Notary Public.

24

P. O.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 23 1901 190

William J. Sweet,

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

ACTING CHAIRMAN

# NOTICE!

[illegible] Frank Shields

Case No. [illegible] 719

To Frank Shields c/o Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 at 9 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

R B Bell

N. N. Hastings

Attorneys for the Cherokee Nation.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Frank Shields,
Coffeyville, Kans.,
Cherokee-F-D- 710.
Register.

FILMED

# CHEROKEE FREEDMEN

JUN 12 1907

Date

Post Office

Dawes

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Does Not Appear

Names of Children

| | | | | | |
|---|---|---|---|---|---|
| 3. | | Year | Page | No. | Dist. |
| 4. | " | Year " | Page | No. | Dist. " |
| 5. | " | Year | Page | No. | Dist. |
| 6. | | Year | Page | No. | Dist. |
| 7. | | Year | Page | No. | Dist. |
| 8. | | Year | Page | No. | Dist. |
| 9. | | Year | Page | No. | Dist. |
| 10. | | Year | Page | No. | Dist. |
| 11. | | Year | Page | No. | Dist. |
| 12. | | Year | Page | No. | Dist. |

Application made by

Stenographer

2 Dec Roll as Mary Harper
5 aff. & birth required
Certified copy of marriage license required

Represented by Mellette and Smith, Vinita, I.T.

X Ref. 716

Muskogee, Indian Territory, May 1 190

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Mary Shields

(Id No) (Step Child)

Louis G. Brown

ATTORNEY FOR APPLICANT

DEPARTMENT OF STATE
COMMISSION
FI 1.1:11
OCT 12 1991

COMMISSIONERS
TIMOTHY A. HOWE
TAMS BIXBY
THOMAS B. NEWLIN
C. R. BREDENTHAL
ALBERT L. GRAYBILL
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Frank Shulda for enrollment as Cherokee Freedman.

Mellette Smith

Cherokee Freedman #2719

INDEXED

[illegible] Land Office,
[illegible], D. C.
August 15, 1902.

[illegible] (heirs and [illegible]) [illegible] case of [illegible] [illegible] et al., [illegible] 158. Can not identify [illegible] or any tribal roll.

[illegible]

Commission to the Five Civilized Tribes

Cherokee F.D-719

Tahlequah, Indian Territory, August 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of August 10, enclosing the jacket and record in the matter of the application of Frank Shields et al., for enrollment as Cherokee freedmen, Cherokee F.D-719, and requesting that the tribal rolls of the Cherokee Nation in this office be examined with a view to identifying the principal applicant on some one of them.

In reply, I have the honor to state that the 1880 authenticated roll, the 1883 and 1890 pay rolls, the 1896 census roll and the Wallace roll have been examined and Frank Shields cannot be identified upon either of these rolls.

The Kern-Clifton and the 1886 pay rolls are not in this office. These rolls can be examined in the office at Muskogee and the information obtained therefrom, together with the information contained in this letter, may be embodied in a supplemental statement to be made a part of the record in this case.

Respectfully,

W. J. Cook.

Clerk in Charge
Cherokee Land Office.

MFM
Enc. M-61

[illegible]

[illegible]

[illegible] OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES

[illegible]

Muskogee, Indian Territory, December 8, 1904.

Lydia Carter,

Jefferyville, Texas.

Dear Madam:

You are hereby advised that the name of yourself appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.

Copy

Cherokee Freedmen
6-718.

Muskogee, Indian Territory, February 27, 1908.

Mary Shields,

Coffeyville, Kansas.

Dear Madam:

The Commission is in receipt of your letter of February 18, 1908, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

You are further advised that in accordance with a recent ruling of the Commission any applicant for enrollment as a citizen of the Cherokee Nation will be permitted to appear before the Cherokee Land Office and make an allotment selection, and the same will be held pending the final determination of the citizenship of the applicant.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner in Charge.
Chairman.

LIST

Cherokee freedmen

Enrl.

Muskogee, Indian Territory, April 26, 1906.

Mary Whisler,

Jefferville, Kansas.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced relative to your residence in the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1906, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

Encl.
Registered

Tams Bixby
Chairman.

Cherokee Freedmen

D-719.

Muskogee, Indian Territory, April 22, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced relative to the residence of the said Mary Shields in the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1905, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Cherokee Freedmen

D-718.

Muskogee, Indian Territory, April 20, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced relative to the residence of the said Mary Shields in the Cherokee Nation.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1908, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedman
B 710

Muskogee, Indian Territory , May 19, 1908

Mary Shields,
Coffeyville, Kansas.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your child, George Shields as a Cherokee freedman, it will be necessary for you to furnish this Commission with proof of death of said child. If possible, secure the affidavit of the attending physician, who , you state, now resides at Coffeyville, Kansas.

This matter should receive your immediate attention .

Respectfully,

SIGNED. Tams Bixby.
Chairman

Encl. B-13

Cherokee Freedmen

E-719.

Muskogee, Indian Territory, June 16, 1908.

Frank Shields,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting, among others, the application for the enrollment of yourself and your minor children, Blanche and Grace Shields as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-125.
Register.

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-708, D-719.

Muskogee, Indian Territory, June 16, 1908.

Blue & Bulger,

Attorneys for Amy Shields, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the applications for the enrollment of Amy Shields, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-126.
Register

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen

Docket, Dawes,

Muskogee, Indian Territory, June 16, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the applications for the enrollment of Amy Shields, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-127

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen
D-140, D-215.

Muskogee, Indian Territory, June 16, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Amy Shields, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1908, rejecting said application.

On March 8, 1904, the Commission rendered its decision rejecting the application for the enrollment of the said Amy Shields as a Cherokee freedman, and thereafter, on June 10, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-126

Through the

Commissioner of Indian Affairs.

Land.
4626-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Frank Shields for his mother, Amy (Emma) Shields; for himself, and for his minor children, Blanche and Grace Shields.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on March 5, 1904, the Commission decided adversely to Amy Shields and that on June 10, 1904 (I.T.D. 4626-1904) the Department remanded the case for further investigation.

The evidence shows that the applicant, Amy Shields, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto on or beofre February 11, 1867; that the applicant Frank Shields was born since the beginning of the war is a child of Amy Shields and possesses no rights to enrollment other than as a descendant of his mother; that the minor applicants, Blanche and Grace Shields were born since 1880; are the children of Frank Shields and one Sophia Shields, deceased, and possess no right to enrollment other than as descendants of their parents. Sophia Shields, deceased, was the daughter of Joe and Millie Duncan, both

deceased, that she was born since the war of the rebellion and that the said Joe and Millie Duncan did not comply with the provisions of Article 9, of the treaty of 1866.

None of the applicants is identified on any Cherokee roll, except the Kern-Clifton.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.

W.

Cherokee Freedmen

R-719.

COPY.

Muskogee, Indian Territory, July 29, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced relative to their continued residence in the Cherokee Nation.

The principal applicant has, therefore, been notified that she will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED) Tams Bixby.

LS

Commissioner.

Cherokee Freedmen

D-718.

Copy.

Muskogee, Indian Territory, July 29, 1905.

Bell, Mastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced relative to their continued residence in the Cherokee Nation.

The principal applicant has, therefore, been notified that she will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby

SIGNED:

LS

Commissioner.

Cherokee Freedman

D-719.

Copy

Muskogee, Indian Territory, July 29, 1905.

Mary Shields,

Coffeyville, Kansas.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are again advised that before a decision can be rendered in your case it will be necessary that further testimony be introduced relative to your continued residence in the Cherokee Nation.

You are, therefore, notified that you will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

SIGNED:

Tams Bixby

Commissioner.

LS
Register

Cherokee Freedmen

R-910.

Muskogee, Indian Territory, July 29, 1905.

Mary Shields,

Coffeyville, Kansas.

Dear Madam:

In the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, you are again advised that before a decision can be rendered in your case it will be necessary that further testimony be introduced relative to your continued residence in the Cherokee Nation.

You are, therefore, notified that you will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED):

Tams Bixby.

Commissioner.

LS
Register

Cherokee Freedmen

D-719 COPY.

Muskogee, Indian Territory, July 29, 1905.

Louis T. Brown,

Attorney for Mary Shields, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced relative to their continued residence in the Cherokee Nation.

The principal applicant has, therefore, been notified that she will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

ORIGINAL.

Tams Bixby

Commissioner.

LS

Register

Cherokee Freedmen

2-719

COPY.

Muskogee, Indian Territory, July 28, 1906.

Louis T. Brown,

Attorney for Mary Shields, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mary Shields, et al., as Cherokee Freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced relative to their continued residence in the Cherokee Nation.

The principal applicant has, therefore, been notified that she will be permitted to appear before this office at nine o'clock A. M. on Thursday, August 10, 1906, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby

Commissioner.

LS

Registrar

Cherokee Freedmen

COPY

D-719.

Muskogee, Indian Territory, August 16, 1908.

Louis T. Brown,

Attorney for Mary Shields,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you herewith supplemental testimony of August 10, 1905, taken in the matter of the application for the enrollment of Mary Shields as a Cherokee freedman, together with a receipt for same which you are requested to sign and return to this office.

Respectfully,

(SIGNED) Wm O Beall

Acting Commissioner.

LS

Incl. S-37

Cherokee Freedmen

D-719. COPY.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith copy of supplemental testimony of August 10, 1905, taken in the matter of the application for the enrollment of Mary Shields as a Cherokee freedman.

Respectfully,

(SIGNED). Mrs O Beane

Acting Commissioner.

LS

Incl. 3-38

Cherok e Freedmen

D-919.

Muskogee, Indian Territory, October 31, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1906, dismissing the application for the enrollment of George Shields, and granting the application for the enrollment of Mary Shields, as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in granting the application for the enrollment of Mary Shields, a copy of which you will be required to furnish her. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

Incl. S-15

COPY

Cherokee Freedmen

S-718.

Muskogee, Indian Territory, October 21, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 21, 1908, dismissing the application for the enrollment of George Shields, and granting the application for the enrollment of Mary Shields, as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in granting the application for the enrollment of Mary Shields, a copy of which you will be required to furnish her. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

Incl. S-15

CRW

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

November 8, 1906.

I.T.D. 7979-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Frank Shields, his mother, Amy (Emma) Shields, and his minor children, Blanche and Grace Shields, as Cherokee freedmen, including its decision of the same date, adverse to all the applicants.

Reporting June 29, 1905 (Land 47226), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, a motion for review was filed in said case.

There appears to be no proper reason for granting said motion, and it is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cherokee Freed.
D-719-D-720.

Muskogee, Indian Territory, November 16, 1906.

Frank Shields,
Coffeyville, Kansas.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting your application for the enrollment of yourself and children, Blanche and Grace Shields and mother, Amy Shields, as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of your case, filed by your attorneys September 7, 1906, denied.

Respectfully,

Commissioner.

Cherokee Freed.
D-719-D-728.

Muskogee, Indian Territory, November 16, 1906.

Louis T. Brown,

Attorney for Frank Shields and others,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Frank Shields, et al. as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by the attorneys for applicants September 7, 1905, denied.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-3-16-LGG.

Cherokee Freed.
D-719-D-720.

Muskogee, Indian Territory, November 61, 1906.

Blue & Bulger,

Attorneys for Frank Shields and others,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applicationsfor the enrollment of Frank Shields, et al. as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by you September 7, 1905, denied.

For your information t ere is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-4-16-LGG.

Cherokee Freed.
D-719-D-720.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hasting,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Frank Shields, et al., as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1905, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-5-16-LGG.

Cherokee Freedmen

D-719. COPY.

Muskogee, Indian Territory, November 27, 1905.

Mary Shields,

Coffeyville, Kansas.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for your enrollment, and dismissing the application for the enrollment of George Shields, as Cherokee freedmen.

You are advised that you will not be permitted to make an allotment selection in the Cherokee Nation until your name has been placed upon a schedule of Cherokee freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED.

Geo. D. Rogers

Acting Commissioner.

Incl. S-194

Cherokee freedmen

D-719.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Louis T. Brown,

Attorney for Mary Shields, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application for the enrollment of Mary Shields, and dismissing the application for the enrollment of Georga Shields, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

Respectfully,

SIGNED: Geo. D. Rodgers

Acting Commissioner.

Incl. S-195

Department of the Interior.

[illegible]

[illegible]

OFFICIAL BUSINESS

Penalty for private use, $300.

Cher Fr R 982

Trans. from Cher Fr D 720

Cher Fr R 982

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mallette, of Mallette & Smith, for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Frank Shields.
Q How old are you? A 37 or 8.
Q What is your post-office? A Coffeyville.
Q What district do you live in? A Coweskoowee.
Q Who do you want to have enrolled? A My mother.
Q What is her name? A Some calls her Amy and some calls her Emma.
Q What is her proper name? A I think Amy is her right name.
Q How old is she? A She is somewhere along about 56 or 8.
Q Why don't she come here herself and apply? A She is what you might call a crazy.
Q Not competent to apply for herself? A No sir.
Q Is her name on the authenticated roll of 1880? A I don't know.
Q Is it on any of the rolls of the Cherokee Nation? A She were enrolled, but her name is lost.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant's mother not found thereon;
1896 census roll of citizens of the Cherokee nation examined and applicant's mother not found thereon.

Q Has your mother got a child named Ettie? A Yes sir, she is about 16 years old. She was working at Vinita; I don't know where she is now.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 149 #3694 Emma Shields, Coweskoowee District;

Com'r Needles: The applicant applies for the enrollment of Amy Shields; he gives satisfactory reason why his mother does not appear in person; he averring that she is non compos; her name is not found upon the authenticated roll of 1880, but is found upon the Kern-Clifton roll; statement is made that testimony as to her citizenship will be filed hereafter; consequently Amy Shields will be listed for enrollment upon what is known as a doubtful card; she will be notified by mail of the disposition of her case when arrived at by the Commission.

-----oooo-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 21, 1901.

Commissioner.

[illegible] BOOK OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 12 1901

Date

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Nancy Shields Age 58

Owner's name Citizenship

Year Page 149 No. 3691 District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Frank Shields (Son) Stenographer M. D. Green

On R. C. roll as Emma Shields

Represented by Mellette and Smith, Vinita I.T.

Doubtful

[illegible] of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that title being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the fee money in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Commission or on the side of the applicant on the other may an extension of time is necessary or desired.

[illegible] of Cherokee freedmen shall [illegible] of the Court of Claims [illegible] and in the Commission must [illegible] the [illegible] for [illegible] of the [illegible]

The [illegible], makes that as stenographer to the Commission in the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

AUG 11 1902

Freed D 890

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1906.

In the matter of the application of FENNY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitaire, Trustee for the Freedmen, vs The Cherokee Nation, No. 19209 filed in the Mariah Hayden case F D 429, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Amy Shields, D 720;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

---

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

---

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedman D 720.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amy Shields as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 12, 1901, Frank Shields appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of his mother, Amy Shields, as a Cherokee Freedman, she being of unsound mind.

It does not appear that the applicant, Amy Shields, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion, or that she was a resident of the Cherokee Nation on July 19, 1866, or at any time within six months thereafter.

The name of said Amy Shields is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Amy Shields as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge,
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR - 5 190

Q How long are they there? A [illegible] years.
Q As I understand you, Frank [illegible] married Amy, and they went up the road to Barton, up there at Napleton, somewhere in the west? A Yes, sir.
Q And they lived there up there about how long? A Four years and then they left.
Q How far did you live from Napleton, the time they lived there at Napleton, from the time you first became acquainted with them? A Two or three miles.
Q What business were they in? A Frank's business was he was engineer for the grist mill, they lived at the mill A while.
Q What was the name of the mill? A Mirriches Mill, it used to be the old Roach Mill.
Q When was the last time you saw this woman, Amy Stubblee? A Sometime along about 1904.
Q Where was she then? A At Napleton.
Q You don't know where she went from there? A She went to Mound City, 12 miles north of ----
Q And you haven't seen her since that time? A I believe once or twice.
Q Do you know where she is living now? A No, sir, I haven't seen her for a number of years.
Q Do you know whether the woman you have testified about is the same person who has applied here for enrollment? A I couldn't say it was; there was a woman there by that name, and I understand she has applied here for enrollment.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance.

Subscribed and sworn to before me this the 8th day of August, 1904.

Wm. T. Martin, Jr.
Notary Public.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is true and correct.

George H. Lessley

Subscribed and sworn to before me this 9th day of March, 1905.

Mydow White
Notary Public.

FILED
DEC 13 1904
COMMISSION TO FIVE TRIBES.

Cherokee 3 D-720.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Amy Shields as a Cherokee freedman.

APPEARANCES:
Applicant represented by her son, Frank Shields, and attorney, R. W. Blue.
Cherokee Nation by its representatives, J. S. Davenport and L. P. Bell.

THOMAS ARCHER, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Thomas Archer.
Q Where do yourecide? A Up in Coweescoowee.
Q Do you know Emma or Amy Shields? A I know Amy.
Q Do you know Frank Shields? A Yes sir.
Q Do you know what relation she is to Frank? A Said to be her son.
Q You mean by that, that she is his mother? A Yes sir.
Q Do you know whether or not she was the slave of a Cherokee citizen at thebeginning of the Civil war? A Yes sir.
Q To whom did she belong? A To Joe Martin.
Q How long had you known her at that time? A I had known her about ten years before the war.
Q How old are you? A I am 55.
Q About where did her owner live at the commencement of the war?
A Lived on Cabin Creek.
Q What was his wife's name, her owners wife? A I forget her name.
Q Do you remember any of the names of Joe Martin's family? A His son was named Dick I think that is all if know.
Q Did you know any of his negroes? A Yes sir.
Q Any addition to Amy Shields but were other slaves that belonged to him? A Her mother name was Celia and her father, Harry, and her brother, Pate, and her other brother named Tobe, and one named Lew.
Q Do you know Colonel Moolie Bell? A Yes sir.
Q Did you know him before the Civil war? A Yes sir.
Q What relation if any was he to the owner of Amy Shields? A Some relation to Joe Martin, I don't know , uncle I guess.
Q You don't know for certain? A No sir, but he knows that.

BY MR. DAVENPORT:
Q You knew that before the war? A Yes sir.

L. P. BELL, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A L. P. Bell.
Q How old are you? A 65.
Q Your post office address? A Vinita.
Q Are you a Cherokee? A Yes sir.
Q How long have you resided in the Cherokee Nation? A I guess I have been here since 1840.

Q Do you know Joe Martin? A Yes sir I know one Joseph L. Martin.
Q Was he related to you? A He was an uncle of mine.
Q Did you know him at the commencement of the Civil war? A Yes sir.
Q Where did he reside then? A He lived right up at the crossing of Cabin Creek on the old Military road, Saline District at that time.
Q Did you know Amy Shields, a colored girl that belonged to him?
A He used to have a colered girl named Amy, sometimes called Emma. He had his own negroes and his brother's negroes and amongst them there was 65 or 75 and I believe the understanding was she belonged to him.
Q She was a slave of some Cherokee? A My understanding is she belonged to him. It is possible that she belonged to a brother of his.
Q At any event she was a slave at that time? A Yes sir she was a Cherokee negro.
Q You mean she was the slave of a Cherokee citizen? A Yes sir she was either the slave of Joe Martin, Richard L. Martin, or Gabriel Martin's estate.
Q Were they Cherokees? A All the Martins were Cherokees.
Q You don't know anything about Amy Shields now do you? A No sir not anything in the world about her since 1862 when the Federals carried the negroes off north. I think from what I find here in trying her case I have seen her a time or two.
Q What official position, if any, do you hold with the Cherokee Nation at this time? A I am senior attorney hearing this freedmen enrollment, I guess that is a position.
Q What official positions have you held in the Cherokee Nation?
A I have been about 40 out of 47 years in official positions in the Cherokee Nation, it would take me too long a time to tell you.
Q In these positions you have represented the Cherokee Nation?
A Yes sir, I have been representative of the Cherokee Nation from the District Clerk's office to representative at Washington, all except being Chief and one or two other things that I don't want. We never set up any dispute about Amy being a Cherokee negro, the point that we raise is she is not entitled under the Treaty, although she is a Cherokee negro.

FRANK SHIELDS, being duly sworn, testified as follows:

BY MR. FLUE:
Q What is your name? A Frank Shields.
Q About how old are you? A I don't know my age, exactly, somewhere near about 40 or 41 I suppose.
Q What relation do you sustain to Amy Shields, the applicant?
A She is my mother.
Q Are you the Frank Shields that has applied for the enrollment of Amy Shields? A Yes sir.
Q Why does she not apply for herself? A She is not of very sound mind.
Q Is she living now? A Yes sir.
Q Where is she? A At my house.
Q Where is your house? A On Snow Creek.
Q In what nation? A Cherokee Nation.
Q Do you know whether or not she was on the authenticated roll of 1880? A I think she was.
Q Do you know it? A No sir, I don't know it.

Q If she was on that roll what is your understanding as to what name she was enrolled by? A It ought to have been Amy Martin or Shields, I don't know which.
Q Was she a Cherokee slave? A Yes sir.
Q At the commencement of the Civil war? A Yes sir.
Q To whom did she belong? A Joe Martin.
Q Was he a Cherokee citizen at that time? A I couldn't say, I suppose he was.
Q Do you know whether or not your mother was on any of the other rolls of Cherokee freedmen? A She was enrolled but her name was not found I don't think, on the pay roll.
Q How do you know that she enrolled? A She went before the Commission.
Q What Commission? A Wallace I believe.
Q Do you know whether or not she went before the Kerr-Clifton Commission? A I don't know whether she did or not.
Q Do you know anything about what is your mother's other name?
A Some calls her Emma and some Amy.
Q Where did you live in 1898? A I was living where I am now.
Q Where was that? A On Snow Creek, Cherokee Nation.
Q How long have you had your home at the place where you now reside? A I suppose I have been there about 6 or 7 years.
Q Where had you resided before that time? A Just before that I was about 6 or 7 miles south of here.
Q Were you living in the Cherokee Nation all the year 1898? A Yes sir.
Q Had your home here at that time? A Yes sir.
Q Have you ever had a permanent home at any other place than in the Cherokee Nations? A No sir not of my own.
Q At how many different places in the Cherokee Nation have you resided? A Well where I am now.
Q How long have you lived there? A About 7 years I suppose.
Q Go on and state the other places and about the length of time at each? A The next place I lived wasn't my own.
Q With whom did you live at the other places? A Joe Duncan, my father-in-law at that time.
Q Where was that, in the Cherokee Nation? A Might call it Cherokee Nation, once at Cedar.
Q Does your mother reside with you? A Yes sir.
Q How long has she lived with you? A She has been making her home now often and on with me for about 4 or 5 years.
Q Where did she reside before she resided with you? A She stayed awhile on Grand River and a while at Vinita.
Q Both places in the Cherokee Nation? A Yes sir.
Q Did she have a home of her own at Grand River and Vinita? A No sir.
Q Whom did she stay with at Grand River? A Needy Martin and some of her children I believe, around with relatives.
Q Was that the case too at Vinita? A Yes sir.
Q Who did she reside with there? A Page Martin I believe.
Q How old is your mother now, if you know? A She don't know and I don't, I judge somewhere along about 60, I don't know.

BY MR. DAVENPORT:
Q How old are you? A I don't know my age exactly I suppose somewhere along about 40 or 41.
Q Where were you living when you first remember? A I don't know exactly.

Q I will ask you, in order to refresh your memory, did you ever live in or near Mapleton, Kansas? A Yes sir.
Q How old were you? A I don't know just how old I was.
Q Was your mother living there at that time? A Yes sir, I believe she was.
Q That was a short time after the war, was it not Frank? A I don't know I guess it was.
Q You lived in and near Mapleton, Kansas, for several years if you can remember, did you not? A I believe I did.
Q About what year did you move back to the Cherokee Nation Frank?
A I don't know as I could give the dates, just when it was.
Q You have lived for 6 or 7 years where you live now? A Yes sir.
Q How many years did you live at Joe Duncan's, your step-father's, before you moved where you live now, after you came back from Kansas? A I don't think I lived there more than two or three years.
Q Where else did you live after you came from Kansas before you went to Joe Duncans? A I didn't have no home.
Q You stayed some where? A Yes sir at places.
Q How many years did you stay at different places after you returned from Kansas before you went to Joe Duncan's place? A I don't know as I lived a year particularly at all, I was in and out.
Q Joe Duncan was your step-father, wasn't he? A No sir.
Q Did you have a step-father? A Not as I know of.
Q You and your mother and family kept house up in Kansas there didn't you? A I never kept house, she may have.
Q Didn't you live with her? A Sometimes I was there, yes sir.
Q You were there and worked for her and with her, didn't you?
A Yes sir.
Q Did your mother come back to the Cherokee Nation at the same time you did or did she come before or after? A My mother was here, in and out.
Q When she broke up her home in Mapleton, Kansas, and moved to the Cherokee Nation did she come at the same time you did or not?
A When she broke up I wasn't living with them at all, I was running around.
Q You were grown then? A I suppose I was, I was grown when I got home.
Q You were a grown man when your mother moved from Mapleton, Kansas, back to the Cherokee Nation, wasn't you? A Yes sir, I suppose so
Q And she came there at the same time you did or before you did, did she not? A I couldn't say, I guess she was here before I was, I guess----
Q You can't remember the year that you came? A No sir, I can't.
Q Or you can't remember the year that your mother came, can you?
A No sir because I guess she came here before I remember.
Q You don't remember living anywhere with your mother before you were living at Mapleton, Kansas, do you Frank? A No I can't.

BY MR. BLUE:
Q How long has your mother been residing in the Cherokee Nation, continuously that you remember of? A I guess somewheres along, often and on, in and out, about 20 years some odd I suppose, I can't remember.
Q Was your mother residing in the Cherokee Nation in '98? A Yes sir.
Q Did she reside in the Cherokee Nation all of the year 1898?
A Yes sir.

Q Has she been residing here ever since that time? A Often and on all of the time, yes sir, I believe she has.
Q Has she any other home than in the Cherokee Nation? A No sir.
Q Has she ever, to your knowledge, had any other permanent home than in the Cherokee Nation? A No sir.
Q You spoke of having been in the Cherokee Nation, in and out, what do you mean by that? A I would come in and feel around and if I got work I worked, and if I couldn't I would go out and get it.
Q For what purpose did you go out of the Cherokee Nation when you went out? A To make a living.
Q Why did you go out of the Cherokee Nation to make a living?
A Because there wasn't work enough here to do to make a living.
Q When you went out of the Cherokee Nation into other places did you have any purpose of making a home at any other place than the Cherokee Nation? A

Mr. Davenport: Objected to as incompetent, immaterial and not cross examination of any matter brought out by the representatives of the Cherokee Nation.
Commission: Objection noted. Witness will answer.

A No sir.

BY MR. DAVENPORT:
Q What years was it that you went out of the Cherokee Nation for the purpose of getting work that you couldn't get in the Cherokee Nation? A I don't exactly know what years.
Q What is your prevocation or vocation that you follow as a laborer?
A Hod carrier.
Q Was it before or after you moved from Mapleton, Kansas, to the Cherokee Nation that you went for the purpose of getting work?
A As far as my moving, I didn't move I just picked up and went on, I had what I had on my back.
Q You can't tell me what year or years it was you went out to get labor? A I don't know just exactly.
Q You are not working at the hod carrier's trade now? A No sir.
Q How long since you worked at the hod carrier's trade? A Just about 11 or 12 years I guess.

BY THE COMMISSION:
Q Do you know where you were born? A From what I have been told, I think I ~~knew~~ was born on Cabin Creek.
Q During the time the rebellion was going on? A I suppose it was or right after, I don't know which, I wouldn't say exactly, I don't know.
Q Are you the oldest one of your mother's children? A No sir there are two older than me, the oldest is dead.
Q One older than you living? A Yes sir.
Q Where can you first remember of living? A I expect, I know for sure, I expect it was in Kansas the first time I can remember.
Q Then you lived there did you up until you were big enough to shift for yourself? A Yes sir often and on I think.
Q That was your home there with your mother? A Yes that is where I stayed when I was at home.
Q Did your mother go out of the Cherokee Nation during the war?
A I think she did, yes sir.
Q Do you know which way she went? A I don't know whether she went out until after she was free, I guess she went out afterwards.
Q Sometime after the rebellion? A Right after she was free I think she went to Kansas.

Q You mean by that after the war ended here? A Yes sir.
Q You don't know what year that was? A No sir, I don't.
Q And when you returned did come to that part of the Cherokee Nation? A I think it was pretty close to the old homes, I don't know just where that is at.
Q Do you know what district it is in? A No sir.
Q When you speak of the old home place you mean the old Martin place we have in what was formerly Saline District? A I suppose it was Saline District, it was the old Martin place.
Q Were you, if you know, born before or after the commencement of the rebellion? A I was born, I think as near as I can tell, somewhere right after the war I guess.
Q You was free born were you? A I suppose I was.

BY MR. HLUB:
Q Do you know Frank whether your mother had a permanent home in Kansas at any time?
Mr. Davenport: The representatives of the Cherokee Nation object to the language "permanent" because there is a legal construction as to what constitutes and permanent home.
Commission: Objection noted. Witness will answer.

A Not only just where I guess we were working, making a living, probably father would rent a place or something like that, or would be working for a man and the man would furnish the house I suppose.

--------- ------oOo----------

The following testimony was introduced on behalf of the Cherokee Nation.

F. D. MYRICK, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A F. D. Myrick.
Q What is your age? A 69 years old.
Q What is your post office address? A Mapleton, Kansas.
Q How long have you lived in or near Mapleton, Kansas? A Since December, 1856.
Q You were living there then before the war of the rebellion began?
A Yes sir.
Q Did you ever know or get acquainted with any colored people around there by the name of Shields? A Yes sir.
Q Do you remember their first names? A Yes sir.
Q What was that? A The first Shields was a Mose Shields.
Q Was he a married man? A Yes sir.
Q What was his wife's name if you remember? A Yes sir, I knew his wife's name, his wife's name was Betty.
Q Did you know any other Shields? A Yes sir.
Q Who were they? A I knew Ike Shields.
Q Did he have a family? A He didn't when I first knew him.
Q Did he afterwards have a family? A Yes sir.
Q Do you know what his wife's name was? A Yes sir.
Q What was it? A Emma or Amy, I don't know whether it commenced with an E or not, we called her Amy.

Q When was it you got acquainted with Ike Shields and his wife Amy?
A I have known Ike Shields ever since he was a boy. He was a Missouri darkey, he came there with his father from Missouri, sometime during the war, I expect in '61 I think is when old Moses came out from Missouri, afterwards his family came.
Q When did you first know Amy Shields, the wife of Ike Shields?
A About '63 I guess. Of course when they were put down there it took me sometime to get acquainted with all the darkies there, there was so many.
Q Do you know about when Ike and Amy were married? A No sir, I don't recollect exactly when they were married but it was along about the first of '70,- '72 or '73 is when I knew they were living together, or '74, I will say '74 anyway.
Mr. Kluge: The representatives of the applicant object to that answer as not being responsive to the question.
Commission: Objection noted.

Q Had Amy been living around near Mapleton from the time you got acquainted with them up until the time you learned they were living together as man and wife? A Yes sir.
Q Do you know whether or not Amy and Ike raised any children?
A Yes sir.
Q Do you remember their names? A No sir, I did know the boys names, but I have forgotten the children's names.
Q You say they had some boys? A Yes sir.
Q How long did they continue to live in or near Mapleton, Kansas, after you knew they were living together as man and wife? A From about '74 until, I will say '83.
Q Do you know where they went to when they left Mapleton, Kansas?
A Yes sir.
Q To what place did they move? A Mound City.
Q How far is Mound City from Mapleton? A About twelve miles.
Q Do you know howlong they lived there? A No sir I don't, they were there a few years, might have been four or five years, may be not so long.
Q During the time you knew them, from the time they were married up until the time they ~~kind~~ left there in '83, did they keep house? A Yes sir.
Q How far did they live from where you lived, or about how far?
A They lived a part of the time about two miles or two and a half miles from where I lived when they first went to keeping house, or where I first knew of them keeping house and living together.
Q Do you know whether or not Amy had any family there before she and Ike were married? A She had one child.
Q What was its name? A Frank.
Q Have you ever seen Frank since they left that country? A Yes sir.
Q When was that? A Here this morning.
Q The same Frank that just left the witness stand? A Yes sir.
Q That is the same identical fellow? A I don't know that I would know him, but that is the same boy.
Q How long did Frank, the witness who just testified in this case, and his mother live in and near Mapleton, Kansas~~xxx~~ before you knew of Ike Shields and Amy living together as man and wife?
A Some eight or ten years, probably from the time she came there, that was in '63, on up until '74. They moved on my place and then I knew they were living together then, because I used to eat dinner with them lots of time.

Q Ike Shields and his wife, Amy, lived on your farm part of the time they lived up there, did they? A Yes sir.
Q How long did they live there? A They lived on the place three years, that is my Lynn County farm.
Q And they moved on it in what year? A I think it was in '7., and lived there '74-75 and I think '76.
Q Was Frank living with them at that time? A I think Frank was there, I have no positive recollection of this boy being at home much of the time.
Q Where did Amy and Frank live before that time with reference to where you lived? A To have any positive recollection of where they lived I could not tell you exactly only around the vicinity of Mapleton, I couldn't identify the spot.
Q Do you remember her father's name? A Yes sir.
Q What was it? A Walter.
Q Walter what? A Walter Martin.
Q Where did he live with reference to Mapleton? A He lived on my Lynn County farm down where I lived on my farm in '63-64 and '65, I guess.
Q Did Amy live there with him at that time? A She was there frequently around the place.
Q How far was that from Mapleton? A One-half mile.

BY MR. WLUR:
Q By what name are you usually know in your home Mr. Myrick?
A Dick Myrick.
Q Your name is not Richard, is it? A No sir.
Q But the people who know you best all call you Dick Myrick?
A Yes sir.
Q You formerly resided, and I expect you do yet, in Lynn County, Kansas? A Yes sir.
Q As I understand you, Frank Shields, as he is called, was the child of Amy or Emma Shields before she was married to Ike Shields? A Yes sir.
Q There were quite a number of colored people brought up there to the vicinity of your place during the war and turned lose there, were they not? A 200 probably on my place.
Q By whom were they brought there? A Said to be the Government, Government wagons were hauling them.
Q Were they in charge of United States soldiers? A Soldiers were along with them, some were lose driving their own teams and the Government assisted them.
Q How soon after these were brought on your place was it until you first saw Amy or Emma Martin nee Amy Shields? A I expect they stayed there for three or four years on the place.
Q Are you able to state now when you first saw Amy Martin, now Amy Shields? A That was in about '63 when they were dropped there and '64 and so on.
Q You don't pretend to say Mr. Myrick that you kept the knowledge or recollection of all those that were dropped on your farm, do you? A No sir, not all of them.
Q Up until Amy was married or at least until she went to living with Ike Shields, how frequently did you see her after she came there? A Sometimes every day; and sometimes it would be a week.
Q Didn't she work around at different places then? A Yes sir I think she did.
Q You never noticed her frequently until after her father went to living on your place, did you? A Yes sir.

Q Where did you see her before that time? A One night across the river there at a dance, and she was a nice dancer she was.
Q Were you attending the colored dances? A Yes sir, I went to all the colored dances then days.
Q As a matter of fact Dick, you didn't know much about the boy Frank, only you knew he was there? A No sir, I didn't.
Q She was up there at work, she made her father's house her home, didn't she? A I think she did, along in the first part of their coming there.
Q Was Ike Shields a son of Moses Shields? A Yes sir.
Q You say Moses Shields came from Missouri? A Yes sir.
Q About when? About '63 I think.
Q Was Emma or Amy Martin there at that time? A Yes sir.
Q And about when was it Amy and Ike Shields began living together?
A I couldn't say when they began to live together, but I ----
Q I believe you didn't say you saw they were living together until when they came on your place? A Yes sir.
Q When was that? A Must have been in '74.
Q After these people left your farm there and the immediate vicinity you say they went to Mound City? A Yes sir after they left the vicinity of Mapleton they went to Mound City.
Q Do you know anything much about them after that time? A No sir.
Q What time do you think it was when they went up to Mound City?
A About '84 sir.
Q During the time they lived down in your vicinity as you stated, did they ever own any farm or property of their own which they made there home? A No sir.
Q Did they own any real estate of any kind during the time you knew them? A No sir.
Q What was their business during the time they were there? A Working for wages.
Q Did any of them attend your farm for you? A Yes sir Ike worked for me pretty near all his life.
Q You mean by working for wages, that when they were not engaged in working the crop they worked for wages? A Yes sir, part of the time I gave him a part of the crop.
Q When he was attending your farm how did he attend it? A Worked by the day and month.
Q How near does your Lynn County farm run to the Bourbon County line? A Ninety three rods.
Q In what county in Kansas is Mapleton? A In Bourbon County, near the northern central part.
Q When, if you recollect, did you last see Emma or Amy Shields in Kansas? A I couldn't exactly get right down to the year, but it was right close and not far from '84 that I was at their house where they lived in Mound City and had quite a talk with her.
Q That is the last time you saw her? A Yes sir.
Q Did you ever see her in the Territory after that? A No sir.
Q After they left your immediate vicinity you don't know where they went? A No sir.

BY MR. DAVENPORT:
Q You say you remember when this Amy Shields fir st came to the town or near the town of Mapleton? A Yes sir.
Q It was which she came with? A It was supposed that she come with the Government, she come with what we called refugees, a band of darkies that come from the Cherokee Nation.
Q How old do you think she was at that time? A She must have been twenty years old.
Q Was her father and mother along? A Yes sir.
Q Both of them? A Yes sir.

Q And you think you got acquainted with her about that? A Yes sir.
Q And you knew her up until they left that vicinity? A Yes sir.
Q You are positive of that, are you? A Yes sir, that I was acquainted with one Rose of Any Shields.
Q Her residence during that time was continuous was it, did you see her very frequently? A Yes sir.
Q You know that she lived there during that time? A Yes sir, she used to be one of my best cooks, took dinner with her many a day when I was on the farm.

BY MR. WLUS:
Q Do you know Mr. Myrick, whether or not when she came up there with that company whether this boy Frank was with her then or not? A He was not with her.
Q He was not with her? A I don't think he was.
Q Do you know positively? A No I don't know positively.
Q That is something you are unable to testify to? A No was not, that is all there was to it, because she was a girl.
Q About how was she when you first knew her there? A About 18 or 20 years, that Frank was born there in the bend of the creek.
Q Were you at the birth of Frank? A I was pretty near it.

This was all the testimony submitted in this case on this date.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles N. Lamson
Notary Public.

Cherokee Freedman-D-720.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory. November 16, 1904.

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In the matter of the application for the enrollment of Amy Shields as a Cherokee Freedman.

On October 13, 1904, the applicant was notified by registered mail, and on October 25, 1904 the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Amy Shields as a Cherokee Freedman would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on November 15, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire, affecting said application, at which time the case would be taken up for final consideration. Receipt of the Commission's letter has been acknowledged.

Now, on this the 15th. day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant appearing by her attorneys, Blue & Bulger, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submitted this case upon the evidence now of record.

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Opal Griggs, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of her stenographic notes of said proceedings on daid date.

Opal Griggs

Subscriber and sworn to before me this the 15 day of December 1904.

Charles H. Sampson,
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Amy Shields et al., as Cherokee freedmen, consolidating the applications of :

| | |
|---|---|
| Amy Shields, | Cherokee Freedman D 720 |
| Frank Shields et al., | Cherokee Freedman D 719. |

--:--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Frank Shields for his mother, Amy (or Emma) Shields; and by Frank Shields for, among others, himself and minor children, Blanche and Grace Shields. The others included in said application have been otherwise disposed of and their rights to enrollment as Cherokee freedman will not be considered in this decision. Copies of the testimony taken at different times and places in re applications of Berry Thompson, Lydia Carter and Eliza Gaines, for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The record further shows that on March 5, 1904, this Commission rendered its decision herein denying the said applicant, Amy Shields, the right to enrollment as a Cherokee freedman, and that said decision was duly forwarded to the Department; thereafter, on June 10, 1904, (Departmental letter I.T.D. 4426-04), said case (D 720), was remanded for further investigation, and, on July 28, September 14, and November 15, 1904, further proceedings in the matter of these applications were had at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Amy Shields, was the slave of a Cherokee citizen at the commencement of the rebellion, that she was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicant, Frank Shields, was born since the commencement of the rebellion, is a child of the said applicant, Amy Shields, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said mother, and that

the minor applicants, Blanche and Grace Shields, were born since 1880, are the children of the said applicant, Frank Shields, and one Sophia Shields, deceased, and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said parents.

The said Sophia Shields, deceased, was the daughter of Joe and Millie Duncan, both deceased, and, from the records in the below numbered cases, it appears that the said Sophia Shields, deceased, was born since the commencement of the rebellion. In D.F.N. 602 and 603, it has been heretofore found by this Commission that the said Joe and Millie Duncan did not comply with the provisions of Article IX, of the treaty of 1866, and that the applicants in said cases, Emma Williams and Elizabeth Timson, full sisters of the said Sophia Shields, deceased, were not entitled to enrollment as Cherokee freedmen.

Excepting the Kern-Clifton roll, none of the applicants herein, nor the said Sophia Shields, deceased, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that its decision of March 3, 1904, as to the rights to enrollment as a Cherokee freedman of the said Amy Shields, should be affirmed; and that the application for the enrollment of Frank Shields, Blanche Shields and Grace Shields, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,

this JUN 16 1905

# NOTICE.

## Cherokee · Freedmen · Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Amy Shields,
Coffeyville, Kans.,
Cherokee-F-D-730.
Relator.

Cherokee Freedmen
D 728

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman, including the commission's decision dated March 8, 1904, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-23

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D 700

Muskogee, Indian Territory, March 24, 1904.

Edgar Smith,

Attorney for Amy Fields,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. VRl

Registered.

Cherokee Freedmen
D 780

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman.

The decision, with the record of proceedings had in the case, had this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. V-22 Commissioner in Charge.

Cherokee freedmen
D 750

Muskogee, Indian Territory, March 24, 1904.

Frank Shields,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting your application for the enrollment of your mother, Amy Shields, as a Cherokee freedman. There has heretofore been furnished her attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Needles

Commissioner in Charge.

Encl. V-20

Registered.

Copy.

(Enclosure)

Refer in reply to the following:
Land. 26279-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 2, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application for enrollment as a Cherokee Freedman of Amy Shields.

March 5, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee Freedman.

The evidence shows that Amy (or Emma) Shields, the applicant, is insane and applies through her son, Frank Shields, and that she has a daughter, Ettie, aged about eighteen.

The applicant's name is identified on the Kern-Clifton Roll.

The decision of the Commission is not supported by the record unless an absolute absence of proof would support it.

In view of the fact that a competent witness was before them on June 12, 1901, and that he was not interrogated as to the status of his mother, and no other evidence was sought or adduced, the record is not in condition for a final determination of the rights of the applicant.

It is nowhere shown in the record whether the applicant, Amy Chisholm is a white, Cherokee or negro, or the former slave of any of the three. It is not shown whether she removed from, returned to, or, at any time lived in, the Cherokee, or any other Nation or State. It is nowhere shown that the Commission has, at any time, given notice to the applicant or taken any steps to allow her to prove her title.

In view of the record and the manifest neglect to investigate the case, the approval of the Commission's decision adverse to the claimant is not recommended, but that the case be remanded for proper investigation and interrogation of the witnesses.

Very respectfully,

A.C. Tonner

Acting Commissioner.

M.M.M.
W.

D. C. 10772-1904.
I.T.D. 4000-1904.
E. L. M.

E.C.W.
J.R.
DMS

Department of the Interior,
Washington, June 16, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On March 24, 1904, you transmitted the record in the matter of the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting June 6, 1904, the Acting Commissioner of Indian Affairs recommends that in view of the unsatisfactory condition of the record the case be remanded to you for more thorough investigation and interrogation of the witnesses.

The Department concurs in said recommendation, and the testimony submitted is returned herewith for appropriate action in accordance with the suggestions contained in the Acting Commissioner's letter, a copy of which is inclosed.

Respectfully,

(Signed) E. A. Hitchcock
Secretary.

Cherokee Freedmen
2 ...

Muskogee, Indian Territory, July 22, 1904.

E. T. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Amy Shields as a Cherokee freedman, you are advised that the Commission has in receipt of Departmental letter of June 18, recalling the Commission's decision of March 5, rejecting said application.

In accordance with instructions contained in said letter Frank Shields, son of said Amy Shields, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday July 29, 1904, and introduce testimony tending to show conclusively whether or not his mother was the slave of a Cherokee citizen before the war and whether or not she returned to and established her residence in the Cherokee Nation after the war within the time provided in the treaty of 1866.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 708

Muskogee, Indian Territory, June 23, 1904.

Fred Shields,
Coffeyville, Kansas.

Dear Sir:

In the matter of your application for the enrollment of your mother, Amy Shields, as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of June 10, rescinding the Commission's decision of March 8, rejecting your said application.

In accordance with instructions contained in said letter you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday July 15, 1904, and introduce testimony tending to show conclusively whether or not your mother was the slave of a Cherokee citizen before the war and whether or not she returned to and established her residence in the Cherokee Nation after the war within the time provided in the treaty of 1866.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
B 307

Muskogee, Indian Territory, June 22, 1904.

Edgar Smith,
Attorney for Amy Shields,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Amy Shields as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of June 10, remanding the Commission's decision of March 5, rejecting said application.

In accordance with instructions contained in said letter Frank Shields, son of said Amy Shields, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday July 15, 1904, and introduce testimony tending to show conclusively whether or not his mother was the slave of a Cherokee citizen before the war and whether or not she returned to and established her residence in the Cherokee Nation after the war within the time provided in the treaty of 1866.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

S-72.

Muskogee, Indian Territory, August 9, 1904.

Frank Shields,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for the enrollment of your mother, Amy Shields, as a Cherokee freedmen, which case has heretofore been set for further hearing in accordance with the Department's letter of June 10, remanding the Commission's decision rejecting your application, there is herewith inclosed a copy of the testimony of July 28, 1904, submitted in behalf of the Cherokee Nation, and you are again advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce such testimony as you may be able to procure in support of your application for the enrollment of your mother as a Cherokee freedmen.

Respectfully,

Encl. S-72.

Commissioner in Charge.

Register.

Cherokee Freedmen

No. 720. A

Muskogee, Indian Territory, August 9, 1904.

Edgar Smith,

Attorney for Amy Shields,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Frank Shields for the enrollment of his mother, Amy Shields, as a Cherokee freedman R-720, you are advised that the applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce such testimony as he may be able to procure in support of his application for the enrollment of his mother as a Cherokee Freedman.

Respectfully,

Register. Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
INDIAN TERRITORY TRIBAL TRUST FUND

27720

Muskogee I.T. 9/15/'04

Receipt of the Commission to the Tribal Citizenship takes a copy of the evidence in the case of Nancy Shields, D 780, and copies of letter No. Land. 20527-1904 D.T.S 4621-1904

Peter Pegan

Copy

[illegible]

Muskogee, Indian Territory, [illegible] 21, 1906.

Miss A. Palmer,

Attorney for Amy Shields,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 14, 1906, in the matter of the application for the enrollment of Amy Shields as a Cherokee freedman, together with a blank form of receipt for same which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby,

Chairman.

Incl. [illegible]

Register.

Cherokee Freedmen
Relief, et al.

Muskogee, Indian Territory, December 12, 1906.

Hall, Vantine & Duncan,
Attorneys for the Cherokee Nation,
Tahlequah, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

Freedmen D-740---------- David Johnson, et al.,
Freedmen D-720---------- Amy Shields,
Freedmen D-81---------- Jesse Ore,
Freedmen D-301---------- Ida Johnson, et al.,
Freedmen D-1181---------- Henry Taylor, et al.,
Freedmen D-83---------- Pauline Hill, et al.,
Freedmen D-246---------- Jackie Ann Harlkum, et al.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-93.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedman
D-920.

Muskogee, Indian Territory, June 16, 1906.

Amy Shields,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman, thereby adhering to its decision of March 5, 1904. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-124
Register

COPY.

Cherokee Freedmen

D-120, D-718.

Muskogee, Indian Territory, June 16, 1908.

Dine A Quiger,

Attorneys for Amy Shields, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the applications for the enrollment of Amy Shields, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-126.
Register

Cherokee Freedmen

D-780, D-718,

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of Amy Shields, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-127

[illegible]

Cherokee Freedmen
[illegible], [illegible].

Muskogee, Indian Territory, June 16, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Amy Shields, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1906, rejecting said application.

On March 5, 1904, the Commission rendered its decision rejecting the application for the enrollment of the said Amy Shields as a Cherokee freedman, and thereafter, on June 10, 1904, the Department remanded this case for further hearing and ready adjudication.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. T-128

Through the

Commissioner of Indian Affairs.

Read.
[illegible]-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 2[illegible], 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated June 16, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Frank Shields for his mother, Amy (Emma) Shields; for himself, and for his minor children, Blanche and Grace Shields.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on March 5, 1904, the Commission decided adversely to Amy Shields and that on June 10, 1904 (I.T.D. 4626-1904) the Department remanded the case for further investigation.

The evidence shows that the applicant, Amy Shields, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto on or beofre February 11, 1867; that the applicant Frank Shields was born since the beginning of the war is a child of Amy Shields and possesses no rights to enrollment other than as a descendant of his mother; that the minor applicants, Blanche and Grace Shields were born since 1880; are the children of Frank Shields and one Sophia Shields, deceased, and possess no right to enrollment other than as descendants of their parents. Sophia Shields, deceased, was the daughter of Joe and Millie Duncan, both

deceased; that she was born since the war of the rebellion and that the said Joe and Willie Duncan did not comply with the provisions of Article 9, of the treaty of 1866.

None of the applicants is identified on any Cherokee roll, except the Kern-Clifton.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.W.

W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 9, 1906.

I.T.D. 7970-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Frank Shields, his mother, Amy (Emma) Shields, and his minor children, Blanche and Grace Shields, as Cherokee freedmen, including its decision of the same date, adverse to all the applicants.

Reporting June 29, 1906 (Land 47226), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1906, a motion for review was filed in said case.

There appears to be no proper reason for granting said motion, and it is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will notify local attorneys of departmental action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner of Indian Affairs.

E. A. Hitchcock
Secretary.

1 ins. and 3 to Ind. Of.

Cherokee Freed.
Denied.

Muskogee, Indian Territory, November 16, 1906.

Frank Shields,

Coffeyville, Kansas.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting your applicationsfor the enrollment of yourself and children, Blanche and Grace Shields and mother, Amy Shields, as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of your case, filed by your attorneys September 7, 1906, denied.

Respectfully,

Commissioner.

Cherokee Freed.
D-718-D-728.

Muskogee, Indian Territory, November 16, 1906.

Lewis T. Brown,

Attorney for Frank Shields and others,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Frank Shields, et al. as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by the attorneys for applicants September 7, 1905, denied.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-3-16-LGG.

Cherokee Freed.
Decision.

Muskogee, Indian Territory, November 21, 1906.

Blue & Bulger,

Attorneys for Frank Shields and others,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of Frank Shields, et al. as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by you September 7, 1906, denied.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Inc.-4-16-LCC.

Cherokee Freed.
D-Vinson-Go.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hasting,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Frank Shields, et al., as Cherokee freedmen, was affirmed by the Department November 7, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1905, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-5-16-LGC.

COMMISSION
FILED
OCT 19 1991

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, [illegible], 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee freedman.

Mellette C. Brisk

Cherokee Freedman # D720

Muskogee, I.T. Indian Territory, [illegible]

Secretary of the Commission to the Five Civilized Tribes

One copy of the testimony in Amy Shields

Case C.R.D. 7220

R. W. Blue
Attorney for Applicant.

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JUN 19
1900
RECD

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

165

Mr. [illegible],

Coffeyville, Kansas.

20527 | India Office, Incl. No. 2 | 1904

CHEROKEE ROLL

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE

# APPLICATION FOR ENROLLMENT

OF

Clay Fields

Department of the Interior
RECEIVED.
JUN 1 1904
Enc. No. 1 of No. 2
Indian Territory Division.

As citizen of the Cherokee Nation

Muskogee, I. T., 190

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

Enc 1 & 2

Cher Fr R 983
Trans from Cher Fr D 722

Cher Fr R 983

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1902.

In the matter of the application of Addie White for the enrollment of herself as a Cherokee freedman, being duly sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Mellette of Mellette & Smith, for the applicant,
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Addie White.
Q How old are you? A I am about , as near as I know, about 28 or 3 .(Further testimony will show that she is about 40.--Stenog.)
Q What is your post-office? A Vinita.
Q What district do you live in? A I don't know now just exactly what district, I live on the east side of the railroad, the Katy
Q Where, Vinita? A Yes sir.
Q You live in Vinita? A Yes sir.
Q Why didn't you appear to be enrolled in Vinita when we were there A Because I was busy running a boarding house, and didn't get out there.
Q Who do you want to enroll here as yourself? A Just myself.
Q What is your father's name? A Warren Adams.
Q What is your mother's name? A Jane McNair.
Q Is your father living? A No sir.
Q Is your mother living? A No sir, she died when I was three weeks old.
Q Is your name on the authenticated roll of 1880? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Alex White.
Q Is he a citizen? A No sir.
Q Have you got any children? A No sir.
Q When were you married to Alex White? A About four years ago.
Q Are you living with him now? A Yes sir.
Q What was your name before you were married? A Adams.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 166 #4096 Addie Adams, Cooweescoowee District.

Q Where were you born? A In the Territory down here on Grand river, in Locust Grove they say.
Q In the Cherokee Nation? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A About until I got big enough to work, I have been out working around, I have lived here most of my time.
Q Did you ever keep house in or out of the Cherokee Nation? A No sir
Q Have you lived in the Cherokee Nation continuously since you were married? A Yes sir.

BY MR. MELLETTE:

Q Were you born before or after the war? A I was born the year the war broke out they say
Q Where were you born? A Born over hereon Grand river, in Locust Grove, they call it.
Q What was your father's name? A Warren Adams.
Q And your mother's name? A Jane McNair.
Q You know whether they were slaves in the Cherokee Nation at the breaking out of the war? A Yes sir, I have heard they were.
Q Who do you want as witnesses? A Columbus McNair is one, and Art Bean is another, and Mose Ry. Riley.

ARTHUR BEAN, being sworn by Com'r Keedles, testified as follows:

BY MR. MILLETTE:

Q What is your name? A Arthur Bean.
Q Where do you live? A On Grand river.
Q Do you know this applicant here, Addie White? A Yes sir.
Q What was her father's name? A Warren Adams.
Q Did you know him before the war? A Yes sir.
Q Where did he live? A On Flock Creek.
Q Was he a citizen in the Cherokee Nation before the war? A Yes sir.
Q What was his mother's name? A Emma Warren.
Q Was he a Cherokee Indian? A Yes sir.
Q Citizen of this country? A Yes sir.
Q Did Warren Adams go outside of the Cherokee nation during the war? A Yes sir.
Q Where? A Went to Kansas.
Q You know when he came back to the Cherokee Nation after the war? A No sir, not exactly.
Q When did you first see him here after the war? A Along about along about February I guess.
Q February, '67? A Yes sir.
Q You don't know whenhe came back? A No.
Q Where did you see him? A Been on the river there.

BY MR. DAVENPORT:

Q You don't know when he came back I believe you say? A No sir.
Q Did you go with him to Kansas during the war? A No sir.
Q You don't know where he went do you? A I don't know, sir, I don't know just what part of Kansas he went.
Q When you said awhile ago he went to Kansas you didn't know of your own knowledge? A Oh I know he went there, for every one of them went there.
Q Were you with him? A No.
Q You didn't see him go when he crossed over the line? A No.
Q Then you don't know he went there? A I know he went there.
Q But you didn't see him there? A No sir.
Q You didn't see him cross the line? A I seen him on the Kansas line.
Q When was that? A Along about '62 I guess, or 3.
Q What part of the Kansas line? A It was in the north part of Kansas, about Round City, it is called, and I lived there.
Q You lived there and come away and left him there? A Yes sir.
Q Next time you saw him was down here about '67? A During that time, I wasn't there all the time, I was away from Kansas.

BY MR. MILLETTE:

Q Do you remember this applicant when you saw him up in '67 on the river? A No, I didn't recollect her.

BEN ADAMS, being sworn by Com'r Keedles, testified as follows:

BY MR. MILLETTE:

Q What is your name? A Ben Adams.
Q What is your age? A As nigh as I can guess at it about 38.
Q Are you the Ben Adams who applied for enrollment this morning? A Yes sir.
Q You are the applicant? A Yes sir.
Q What relation is she to you? A My sister.
Q Full sister? A No sir, half sister.
Q Same father or the same mother? A Same father.
Q What was her father and your father name? A Warren Adams.
Q Where was she living when you first knew her? A Living over here at Vinita.
Q As a child where did she live? A She stayed around there with her mother when I can recollect anything much, as far back as I

son restless.
Q What about your father and mother? A She never stayed with them much, she was with them some in a little, she stayed with her grandmother mostly.

BY MR. DAVENPORT:
Q Is she older than you? A Yes sir, she is older than I am, she is about 40.
Q Where was she living when you can first remember? A She was out here with grandma and grandfather.
Q Who is grandmother and grandfather? A Adair Martin and Chad Martin.
Q Where she was been living since you can remember? A She has been in one place but right over here as I know of.
Q Have you known where she has been living all the time? A No.
Q There has been several years you didn't know where she was living? A Yes sir.
Q You have been in the country all the time? A Yes sir, raised and birthed around Vinita and Claremore and about.
Q There were several years you didn't see Addie at all, and didn't know where she was living during that time? A No sir, not certain, but I think she was at Vinita.
Q When you can first remember what kind of place was you living at? A I was living, I don't know what kind of place it was hardly, little old log house, couple of them.
Q What kind of a place was Addie living when you first saw her? A She was living at same kind of a place, little log houses.
Q Where was that? A On the bottom, on Grand river.
Q Near whose place, who of the Cherokee families or other colored families lived near Oswego? A Grep Lynch and Pete Williams and them, lived down there.
Q Was there no Cherokee families lived down there? A There was some living there I guess, but I didn't pay any attention to them, only old man Scraper, he lived there.
Q Where did George Clark live? A I don't know.

APPLICANT, ADDIE WHITE, re-called, and further examined:

BY MR. DAVENPORT:
Q Where were you living when you first remember? A On Grand river.
Q Where have you lived since that time? A Vinita, and I have lived at Claremore and lived at Wagoner.
Q What Bean was your first husband's name, didn't you have a husband named Bean once? A John Bean.
Q Where did you live when you and John Bean lived together? A Right in Vinita.
Q How long ago has that been? A I don't know.
Q How long did you live in Kansas when you were up in there in 1880? A I worked in Kansas about two years.
Q You lived there while you were working? A Yes sir.
Q Had your home there? A I wasn't keeping house there.
Q You and John had separated had you? A I don't know as we had, I had a right to keep house there whether I was married to him or not.
Q That never was your home? A No sir.
Q Didn't live up there? A No sir, I worked there for some white folks.
Q Where did you work up there? A In Ft. Scott.
Q How long did you stay in Ft. Scott? A I don't know, I stayed there two or three years.
Q You stayed longer than that didn't you? A No sir.
Q What did you work for up there at Ft. Scott? A For Frank Clark and George Goodlander.

Addie White 4

Q And that is all the time you have lived outside of the Cherokee Nation, three two or three years you served at Ft. Smith I I have been living at Independence.

Q How long did you work at Independence? A Worked there a month.

Q That all the time you have been out of Independence and Ft. Smith?

A Yes sir.

Q You haven't lived in the Cherokee Nation some and some? A No sir, I worked in the Creek Nation one year, Worked for John Stinson, a big rich gentleman.

Q How long did you work in the Cherokee Nation? A I never worked there at all, never been there that I know of.

BY MR. TRIBBLE:

Q Have you ever had any home but the Cherokee Nation? A No sir.

BY MR. DAVENPORT:

Q Whereabouts your home in the Cherokee nation up until four or five years ago? A In Vinita.

Com'r Needless: Addie White applies for the enrollment of herself; she avers that she is a daughter of Warren Adams and Jessie McNair, and that she is now married to one Alex White; her name cannot be found upon the authenticated roll of 1880 or the census roll of 1896; she is duly identified upon the Kern-Clifton roll; she avers that she is a sister of one Ben Adams, who was listed for enrollment this day on D card 718, and by the request of the attorney for the applicant, the testimony taken in said case of Ben Adams will be made a part of the testimony in the case at bar, and a copy thereof will be filed herewith; said Addie White will now be listed for enrollment as a Cherokee Freedman, upon a doubtful card; she will be notified by mail of the action of the Commission in her case when same is arrived at.

---oooo---

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W D Green

Subscribed and sworn to before me this June 22,1901.

Commissioner.

To be filed in case of Annie Waite, opposer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 14, 1901.

In the matter of the application of Ben Adams for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Ben Adams.
Q How old are you? A I am about 21 as nigh as I can keep my age.
Q What is your post-office address? A Chaffee, Indian Territory.
Q What district do you live in? A Delaware.
Q Do You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll here for yourself? A Just myself.
Q Where were you born? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A I think so.
Q What rolls? A I think it is on the Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 189 #3835 Ben Adams, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 193 #3504 Ben Adams (No district.)

Q Were you a slave? A No sir.
Q Born a slave A No sir.
Q What was your father's name? A Warren Adams.
Q Is he living? A No sir.
Q What is your mother's name? A Ibbie.
Q Is she living? A No sir.
Q Was your father a slave? A Yes sir.
Q Was your mother? A Yes sir.
Q To whom did your father belong? A Dick Martin, I have been told.
Q Who did your mother belong to? A The same man.
Q Was he a Cherokee citizen? A Yes sir.

TOBE BEAN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Tobe Bean.
Q How old are you? A 64 years old.
Q What is your post-office? Address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, they don't recognize me.
Q Your name is not on the authenticated roll of 1880? A No sir.
Q You claim citizenship? A Yes sir.
Q Do you know the applicant here, Ben Adams? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Where was he born? A Born in Kansas.
Q Did you know his father? A Yes sir.
Q What was his name? A Warren Adams.
Q Did you know his mother? A Yes sir.
Q What was her name? A Ibbie Adams.
Q Were they slaves? A Yes sir.
Q To whom did they belong? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Is his father and mother living? A No sir, both dead.
Q Were they taken out of the Cherokee Nation during the war? A Yes sir.
Q Was Ben taken out with them? A No sir, he wasn't born then.
Q Where did they go to? A Went to Kansas.

Q When did they return? A '66, along about the latter part of '66.
Q They have this child Ben Adams with them when they returned? A Yes sir.
Q Where did they come to? A Up on Grand River.
Q How do you know they returned in '66? A I saw them.
Q Were you with them? A In the winter they came back with me.
Q You and they came back together? A Yes sir, in the winter of '66.
Q Was that January, '66, or December, '66? A I don't know. It was along just before Christmas.
Q Before Christmas? A Yes sir, a little while.
Q Have you known Ben Adams since that? A Yes sir.
Q Has he always been living in the Cherokee Nation? A Yes sir, I guess he has lived in the Cherokee Nation all the whole time that I always he has been living off to Claremore there.
Q You are certain he returned with his father and mother sometime before Christmas in '66? A Yes sir.
Q You were with them in Kansas? A Yes sir.
Q Where was that? A Anderson County, close to Garnett.
BY MR. DAVENPORT, Cherokee Rep've:
Q You are an applicant for citizenship yourself? A Yes sir.
Q He and his parents came back at the same time you came? A Yes sir, in the winter of '66.
Q You and he didn't be long to the same parties when the war broke out? A No sir.
Q How far were you living from them when the war broke out? About five miles.
Q They belonged to Dick Martin? A Yes sir.
Q Is he living now? A No sir.
Q Well that Dick Martin isa son of the old man? A No sir, he is a son of Joe Martin.
Q How far did Joe Martin live from Dick Martin at the breaking out of the war? A I think they called it seven or eight miles.
Q What point in Kansas did you go? A Went up in Anderson County.
Q Any town up there? A Yes sir.
Q What place? A Garnett.
Q Well now, when did yousay you started back to the Cherokee Nation after the war was over? A I come in the fall of '66, and then went back in the winter.
Q Did you come before or after the treaty was made? A After the treaty was made.
Q What time did you come back? A About the last of September or the first of October.
Q Did you go back? A Yes sir.
Q When you went back to Kansas how long did you stay before you again returned? A About two months I guess, it might have been a month and a half.
Q Then you came back to the Cherokee nation? A Yes sir.
Q Who came with you at that time? A I don't know who all; lots of them; Warren Adams, George Bean, and Art Bean.
Q When you came back what point did you go to? A I went to Grand river.
Q Where did Warren Adams go? A On Grand river, about two miles from me.
Q When you got back there, you and Warren Adams, who was living near there? A Crap Lynch and Art Lynch.
Q Was there any Cherokees living there? A Yes sir, old man Scraper.
Q Where was George Clark living? A I don't know sir, up the river somewhere.
Q Old man Scraper was George Clark's father-in-law? A Yes sir.
Q Where was young Dick Martin living at that time? A With his father I guess.
Q How far away was that? A Seven or eight miles.

Ben Adams 2

Q Did you see young Dick Martin when you got back there? A No sir.
Q About how long after you got there was it until Jesse young Dick Martin? A I don't know.
Q Was it a month? A It may have been about two or three months.
Q Do you not think it was as long as three months? A I don't know.
Q Where was Joe Thompson living at that time? A I guess he was in the south, I didn't know.
Q On what place did Warren go when he located? A He stopped with his father awhile, he died directly after he came here.
Q Was Warren's father living too? A Yes sir.
Q Did Warren's father come back with Warren? A Yes sir, they all came back in the same winter.
Q Where did his father stop? A Over there close to the Joe Lynch place.
Q On what place? A They called it Joe Lynch's Spring Branch.
Q Was it part of the Joe Lynch farm? A Yes sir, they took it from the old man after he made some improvements on it.
Q Joe Lynch took it away from him? A Yes sir.
Q Joe Lynch died before the war? A Yes sir, but he had some sons. Lon and Chick.
Q Lon was living on the Joe Lynch place when you came back? A No sir.
Q When did you first see Lon Lynch after you got back? A I saw him at Vinita, I saw him taking census, that's the first time I saw him.
Q About what year was that? A About a month ago.
Q You never had seen him after the war? A No sir.
Q Don't you know he came back to the old home place just after the war? A Yes sir.
Q Where did you go that you didn't see him? A I can't see everybody in the country.
Q You went with Warren Adams to the Joe Lynch place, and know he located on the Joe Lynch place? A He was with his father.
Q Did you go off somewhere else? A I stayed there until after Warren died.
Q How long did he live after he came back? A He didn't live a year I don't think.
Q You know where this boy has been living since the war? A Been living in the Territory I guess; I told you he had been living out about Claremore; went over there with his sister and stayed awhile.
Q Do you know of your own knowledge? A I couldn't trace the boy around, he is liable to go to Kansas or anywhere.
Q As a matter of fact he has been in Kansas most all the time? A I don't know.
Q Has he a home on Grand river? A Yes sir, he lives with his people.
Q Who is his people? A I am his uncle, and Joe Ragsdale is his uncle and Art Bean, brother-in-law.
Q How old is he now? A About 36 years old.
Q About how old was he when you brought him back? A He was a small boy.
Q Was he big enough to talk? A Yes sir.
Q Wasn't big enough to drive horses? A No sir.
Q How much field did you make on that Joe Lynch place you are talking about being taken from away from this old man? A About four or five acres, cleared in the bottom.
Q How far from the house was that? A Log house.
Q I say how far was that field from Joe Lynch's house? A About a quarter of a mile or not hardly so far.
Q Wasn't that the place your old uncle Joe lived before the war? A Yes sir.
Q It was in Saline district then? A Yes sir.

Bee Adams 6

BEE BILLY, being sworn and examined by Com'r Needles, testified as follows

Q What is your name? A Bee Billy.
Q What is your age? A About 52.
Q What is your post-office? A Chelsea.
Q Are you a Cherokee Freedman? A Yes sir.
Q On the roll of 1880? A No sir.
Q You claim to be a Freedman? A Yes sir.
Q Do you know the applicant here, Ben Adams? A Yes sir.
Q How long have you known him? A I have known him ever since he was a small boy.
Q What was his father's name? A Warren.
Q What was his mother's name? A Ibbie.
Q Did you know his grand-father? A Yes sir.
Q What was his name? A One was named Sandy Bean and the other one was named Adam Martin.
Q Was his father Warren Adams and mother Ibbie, slaves?
A Yes sir.
Q Who did they belong to? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q You know whether Warren Adams and Ibbie were taken out of the Cherokee nation during the war between the North and the South?
A Yes sir.
Q Where did they go? A Went to Anderson County, Kansas.
Q Were you with them? A No sir.
Q You know ~~whether~~ they returned to the Cherokee Nation? A Right after the war.
Q You know what year? A No sir, I don't know exactly what year.
Q You know where Ben was born? A No sir, when I saw him he was born, over there in Saline.
Q He was already born when you saw him? A Yes sir.
Q The Bible says man has to be born again though? A Yes sir, but he was born the first time when I see him.
Q You don't know whether he was born in the Cherokee Nation or Kansas? A No sir, he was a little short fellow living there with his father and mother.
Q Where were they living? A There at old man Sandy Bean's.
Q You don't know what year they got back in the Cherokee Nation?
A No sir; times was hot here yet when I seen them.
Q You mean the weather was warm? A No sir, the Indians was hot, we couldn't go around.
Q They were kind of hot under the collar? A Yes sir, and all around everywhere.
Q Breeching and all; well now you couldn't tell what year it was they returned? A No sir, not exactly.
Q You know they returned a short time after the war closed?
A Yes sir.
Q You have known Ben Adams ever since that? A Yes sir.
Q Is he a married man? A No sir.
Q Had bad luck aint he? A I reckon.
Q Might be ~~good~~ A I expect he is better off.
Q You don't know whether Marriage is a success or not? A No sir.
BY CHEROKEE REP'VE DAVENPORT:
Q You know where he has been living since the war? A Ever since he has been any size I know where he has been living.
Q Can you tell me where he has been living for the last seven years
A Yes sir, Claremore and all around here.
Q How many times have you seen him at Claremore in the last seven years? A I don't know, sir, every few weeks.
Q Where do you live? A Right up here.
Q How far? A Four miles.

Ben Adams 6

Q Now you don't have anything about where these people were during the war? A You mean before they was over there?
Q I mean from the time the war began until it closed? A They was here part of the time.
Q And then? A In Anderson County, Kansas, the other part of the time.
Q You know what year they went to Anderson County, what year? A No sir, I wouldn't have known that anyhow if I had seen it.
Q You don't know what time it was if you had seen it would you? A I had a little sense then, of course I got in around where people would tell me what it was.
Q You got out from around the Indians, and you learned some sense? A I was out and in amongst them too, but the old boys told me the
Q What place did they come to in the Cherokee Nation? A On Island Ford, near Sandy Beam's place. I first saw them.
Q They located there on Sandy Beam's place? A I saw the old man there, and his wife.
Q They were keeping house when you saw them? A Stayed together you mean?
Q Yes? A They was just there at the old man's when I saw them.
Q How long did they stay? A They stayed there quite awhile.
Q Then where did they go? A They stayed with grandfather Adams.
Q Then where did they go? A I think then they got hold of the place of old Looney; I lived up under the hill there in Delaware.
Q They didn't go back any more to the Joe Lynch place where they had formerly lived before the war? A I don't know the time they lived on the Joe Lynch place.
Q Did they live near the old Joe Lynch place in Saline after they came back? A I don't remember them; there's several lived right close there, and there was a whole lot of darkies in and around in that place, and they might have been there too, I don't know.
Q You would have remembered it if they had been there? A If they had been living there to themselves I might, but if they had been living with these several I might not have.
Q You know where Lon Lynch was at the time they came back from Kansas? A I never saw Lon Lynch for five or six years after that, I don't know whether I would know who he is or not now.
Q You haven't lived in that country lately? A No sir. It has been 21 or 2 years since I lived there.
Q You knew Lon at the breaking out of the war? A No sir.
Q How far were you living from the Joe Lynch place when the war broke out? A I was living on the Mohair place, about 10 miles away.
Q You didn't know that Joe Lynch's family? A I knowed Joe.
Q Did you know these darkies? A Yes sir, I knowed them well.
Q How far from Dick Martin place were you when the war broke out? A It was a little south-west, I don't know just how far we was from where the Lynch Prairie is now, but it is a little south-west from the Lynch Prairie and south of Rock Creek.
Q Can't you tell about how far it is? A I expect it is about close to some distance.
Q About ten miles? A About ten or twelve miles I guess, somewhere along there.

APPLICANT BEN ADAMS, re-called, and further examined;
BY COM'R NEEDLES:

Q You say you were never married? A No sir.
Q You have lived in the Cherokee Nation continuously all your life? A Yes sir.
Q Haven't you never worked out any? A Oh yes sir, I have worked on the railroad awhile, down in the Choctaw Nation.
Q Did you ever work in Kansas or Texas? A No sir.
BY MR. DAVENPORT:

Ben Adams 3

Q You live away from [illegible] the rest of those fellows in Kansas? No sir, what [illegible] to school how much.

BY COM'R KEELING:

Q Make your father's house [illegible] they lived? A Yes sir, I was a small boy this [illegible].

Com'r Keeling: Ben Adams applies for the enrollment of himself; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is identified upon the Hope-Clifton roll according to page and number of the roll as indicated in the testimony; he makes satisfactory proof as to residence; reference is made as to his citizenship to the testimony, and said Ben Adams will now be listed for enrollment as a Cherokee Freedman, on a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at, in the premises.

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M.D. Green, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this June 22, 1901.

(signed) T.B. Keeling,
Commissioner.

---

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this August 23rd, 1901.

Commissioner.

CHEROKEE FREEDMEN.

Date JUN 12 1901

Post Office [illegible]

District [illegible]

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Doubtful

Mother Citizenship

2. Name of wife Addie [illegible] Age [illegible] 19

Owner's name Citizenship

Year N.G. Page 160 No. [illegible] District [illegible]

Parents:

Father Marion Adams - dead Citizenship

Mother Jennie McNair - dead Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Doubtful

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Ms. Stenographer M. D. Gillen

1 On N.G. roll as Addie Adams

X Ref. 10,715

Represented by Mellett and Smith, Vinita

File with Annie White, C. F. N. 720.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October 18th 1901.

SUPPLEMENTAL TESTIMONY in the case of Ben Adams, C. F. N. 718.

APPEARANCES:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant, in C. D. D. 722, but not in the present case, being present in this case simply in order to cross examine the witnesses for the benefit of C. F. N. 718.

BEN ADAMS called three times and appears not either in person or by attorney. Satisfactory proof of notice filed, that this testimony would be taken on this day by the Cherokee Nation.

Witnesses placed under the rule.

C. L. LYNCH, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
( By Mr. Davenport )
Q What is your name? A C. L. Lynch
Q Where do you live? A In Flint District, Cherokee Nation.
Q How old are you? A 61.
Q Where were you living at the breaking out of the war? A In Saline district, Cherokee Nation.
Q How far from Grand river? A About a mile in some places, the closest point.
Q What was your father's name? A Joe M. Lynch
Q Did you go away during the war? A Yes sir in '62 and I came back in February of '67.
Q When you came back to what point did you come in the Cherokee Nation? A To our old place on Grand river, Saline district.
Q When was that? A '67.
Q Who was living there on the old place when you came back? A Mr. Scraper, he was living there then,
Q What was his first name? A George.
Q Did you then know a colored man named Warren Adams? A I dont know him by that name.
Q Did you ever know a colored man named Warren? A Yes sir, he belonged to the Martins.
Q Did you see him after the war? A No sir.
Q Was he or his family living on your old place when you came back? A No sir.
Q Did they move there after that to your knowledge? A No sir.
Q Do you know Ben Adams, the applicant in this case? A No sir, never saw him to know him .
Q How long did you stay at this old place? A Often and on during the year '67.
Q This man Warren was not living there at that time? A No sir.
( By Mellette )
Q This man Warren was a slave before the war? A Yes sir.
Q Who owned him? A Dick Martin.
Q Were you well acquainted with this slave? A Yes sir some of them
Q You never have seen him since the war? A No sir.
Q Don't know what country he has lived in since the war? A I have lived on Grand river.
Q I say, he ? A Oh, no sir.
Q You dont know if he was in the Cherokee Nation or not? A No sir.
Q Dont know if he was in the Cherokee Nation in '68? A No sir.
( By Davenport )
Q You do know that he was not on your father's old place in '67? A No sir he wasn't there, I was there and he wasn't there.

GINNIE CLARK being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:

( By Davenport )
What is your name? A Ottie Glass.
What is your race? White or Negro? A White.
How old are you? A 32.
Where did you live during the war (Rest out)? A I have lived in the Territory all my life.
Did you ever enlist in the war? A Not much, I was a soldier in home guards.
After the war where did you locate? A In Saline District.
How far is that from the old Joe Lynch place? A I located within 4 or 5 miles from it, my father in law was living on that place then.
( By Mr. G. W. Scruggs.
Q Did you ever know a colored man named Warren Adams? A Yes sir.
Q Did you know him before the war? A No sir.
Q You know him after the war? A Yes sir.
Q When did you first get acquainted with him? A In the '70's
Q Were you over at your father' in law's place in '67? A Yes sir I was there off on, I visited my wife's folks.
Q Did Warren Adams and his family live on the old Joe Lynch place in '66 and '67? A No sir.
Q Do you know of your own knowledge if he lived there after that? A I dont think Warren ever lived there, his father came there and bought, his father lived in one of the negro out houses and made four or five crops there on the Spring Branch.
Q What year was that in? A I think he staid there three or four years after that, I think he went there in '66.
Q They didn't live there at all while Mr. Scruggs was there? A No sir.
( By Mellette )
Q Did you say that Warren Adam's father moved there in '67 or '8? A I think it was in '68.
Q Do you think your recollection is positive on that point? A Yes sir.
Q It was either in '67 or '8? A Yes sir.
Q What time in '68? A He went in one of those outhouses in '67? I think but he never made a crop there until '68.
Q You cant tell if Warren Adams moved there in December of '67 or not? A No sir not positive as to the month.
Q You didn't pretend to keep the dates? A No sir.
Q You dont know where Warren Adams was in '66? A No sir.
( By Davenport )
Q Do you know the applicant Ben Adams? A Yes sir.
Q Have you known him for the last few years? A Yes sir, for several years, he is a relation of the Beams and lives right there.

* * * * * *

This will be filed in Cherokee freedmen cases D-715; D-722; D-726 and D-981.

***

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

File with [illegible] Virgil, C. P. O. Doc.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. [illegible], 2nd [illegible].

In the matter of the application of Martha Virgil, C. P. O. Doc.

SUPPLEMENTAL TESTIMONY.

Witness placed under the rule.

Appearances
W. T. Hastings for the Cherokee Nation
A. G. McRae for the applicant.

WILLIS BAY being called and duly sworn by Comm'r T. B. Needles, testified as follows, on the part of the Cherokee Nation.
( By Hastings )
Q What is your name? A Willis Bay.
Q What is your age? A 63 past.
Q What is your post office address? A Garnett, Kansas.
Q How long has that been your postoffice? A Since '67 or '8.
Q Did you know a colored man or woman there named Warren and Ibbie Adams? A Have acquainted with him, saw her, not much acquainted with her.
Q Where were they living when you first knew them? A East of Garnett.
Q On a farm? A Yes sir.
Q How long did they live there after you came to Garnett? A Not long.
Q Well, about how long? A They must have left there in '69 or '70.
Q Were they living there when you came? A Yes sir.
Q Did they have any children that you remember? A They had some children, I dont know exactly their names.
Q How long after you came there until you got acquainted with them? A It was just before they went away, I saw them at church, I dont know just when I did get to say acquainted with them.
Q Whose place was it that they lived on? A At that time I didn't know, I know who owns it now.
Q Who? A Man named F. G. Brunna.
Q About how far from town was it? A Right round about two miles, one and a half or two miles.
( By McRae )
Q You dont know who owned Warren and Ibbie Adams? A No sir.
Q You dont know when they first came to this particular place you speak about? A No sir.
Q You dont know whether or not they ever lived out of the Cherokee Nation during the war? A No sir.
Q You dont know where they were in '66? A No sir.
Q Or in '67? A In the early part of '67 I dont know where they were.
Q When did you say your acquaintance first commenced with these two people? A I cant tell when exactly or at what place it was, just before they left to come back here though.
Q Your acquaintance with them wasn't very intimate was it? A No sir they lived quite a ways from town, and I didn't get outvery often.
Q You dont know the applicant in this case, Martha Virgel, the reputed daughter of Warren and Ibbie Adams? A No I dont know her.
Q And you dont know if that Warren and Ibbie Adams that you knew in Kansas is the reputed mother and father of this applicant, Martha Virgel or not? A I do not
Q You have no acquaintance with the applicant whatever? A No sir, if I does, I dont know it at this time.

W. A. JOHNSON being called and sworn by Com'r T. B. Needles, testifies as follows on the part of the Cherokee Nation-
( By Hastings )
Q What is your name? A W. A. Johnson.
Q Your age? A 71.
Q Your post office address? A Garnett, Kansas.
Q How long has that been your post office? A Since '55.
Q Mr. Johnson, did you know a colored man named Warren, Kansas by

The name of Warren Adams was [illegible] with [illegible] Adams, I could remember the entire name.
Q When did you first begin to know Warren Adams? A [illegible] the close of the war.
Q About how long did you know Warren Adams after the war? A I dont remember when Warren Adams was last at Garnett; [illegible] there about three or four years, in my judgment about it.
Q After the war? A Yes sir.
Q You are not positive as to the date, but you think it was three or four years? A No sir I cannot tell exactly about the date, or there is no fact about Warren Adams leaving that enable me [illegible] last know him.

(By Mr. Shea)

Q Colonel, where did you say you first become acquainted with Warren Adams? A Garnett, Kansas.
Q What year? A It must have been in 1866.
Q What time in '66? A I cant be positive about that
Q Do you know when he came there? A I do not, these these colored people came there while I was away in the army, I found them there when I returned to my homestead, in the fall of '65 or the winter of '66
Q Do you remember under what circumstances you met him, Colonel? A I do not.
Q Now Colonel, are you willing to swear positively that he Warren Adams you met in Garnett, Kansas, is the Warren Adams who was is he alledged father of the applicant, Martha Virgal? A No sir I cant be positive about anything of that kind, I dont know who the father of this applicant was.
Q You cant answer it? A No sir.
Q You wouldn't swear that? A No, I wouldn't swear who her father was.
Q You dont know the mother? A No sir I didn't know any of Warren Adam's family except himself.
Q Well now Colonel, did you keep tab on Warren Adam's movements from the time you first met him until he left there? A No sir I had no occasion to.
Q He may have returned to the Cherokee Nation in '66 or the early part of '67 without your knowledge? A He could have done it but I dont think he did.
Q You wouldn't swear positively that he didn't would you? A No sir, I wouldn't
Q When did he leave Garnett, Kansas, this Warren Adams that you knew? A Well, it would be only a matter of judgment with me about that, I would say it was about 1870.
Q You think he left about 1870 ? A Yes sir, it might have been earlier, but that would be my judgment about it now according to my recollection.
Q Do you know where he went to? A No sir, and I dont know exactly when he left; I knew him there as I knew the other colored men that were there; he disappeared from my observation and I dont know where, when or how he left; it is a difficult matter to say when any one leaves a country unless there is some facts to fix the time.
Q Did you ever see him back there any more? A I dont recollect seeing him any more.
Q And you dont know what became of him? A No sir, I don't.

This will be filed in Cherokee Freedmen cases, D-726; D-715; D-881 and D-728.

***

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full the above and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 28th of October, 1901.

W. A. Pinkerton

Commissioner.

Fi 5 722.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Addie White for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-722.

APPEARANCES:
Mellette & Smith for applicant.
W. C. Hastings for Cherokee Nation.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q What is your age, Mr. Johnson? A 58 years old.
Q Your postoffice address? A Garnett, Kansas.
Q You have lived there I believe you state in another case since '80? A I have, yes, sir.
Q Did you know a colored man by the name of Warren Adams? A Yes, sir, I did.
Q Did he have a family? A He did.
Q Where did he live when you knew him? A He lived on Brun's place and over on Judge Spring's place.
Q When did you get acquainted with him? A Sometime in '84.
Q How long did you know him up there? A I knowed him till the summer of '88.
Q You know where he went when he left there? A I don't, sir.
MR. SMITH: What was his name? A Warren Adams.
Q You knew a Warren Adams that left Kansas in '88? A Yes, sir.
Q Well you don't know where he is now? A No, sir, I do not.
Q I believe you said you didn't know where he went to? A I don't recollect, whether he went to the Territory or where he went, he left there in '88.
Q You don't know anything about where he went? A No, sir.
Q Know anything about his family, if he had one? A I do, yes, sir.
Q Well what was their names? A One girl, don't know what her name was, they called her Armica.
Q Well did he have anybody else? A I think there were children, I don't know.
Q Not sure about that? A No, sir.
MR. HASTINGS: You know his wife's name? A I do not, no, sir.
Q Was he a colored man? A He was, yes, sir.
Q Do you know whether he claimed to be from the Cherokee Nation or not? A Yes, sir, he did.
Q You don't know whether he come back down here or not? A I do not.
BY MR. A. S. McKEA: Mr. Johnson, When did you first say you learned to know Warren Adams? A '84 I think.
Q And knew him continuously how long? A Till '88.
Q Were you intimately acquainted with him? A Yes, sir.
Q Do you know where he was in '88? A I do not.
Q Do you know where he was in '87? A Think he was right up there in Anderson County, Kansas.
Q Don't know where he was in '88? A He was there in our county from the time he come there until he left in '88.
Q Well where was he in '88? A He was in Anderson County, Kansas.
Q How close did he live to you? A About two miles and a half or three miles.
Q How did Warren Adams, Mr. Johnson, who was the alleged father

of these applicants, Bettie Virgel and Addie White, is he their father? A I don't know the Addie White.
Q Ben Adams? A Ben Adams! I thought that he had a boy named Ben.
Q And this Warren Adams that you know is the father, who was alleged to be the father of these applicants? A I don't know anything about these applicants outside of Warren.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Martha Virgel, who appears by A. S. McKee, Muskogee, I.T., No.D7[illegible], and in the case of Bettie Rogers, D-1[illegible]7, represented by Lewis T. Brown, who appears by Mellette & Smith. Also in the case of Addie White, the same being the case at bar, No. D-7[illegible], who is represented by Mellette & Smith.

MR. MATTINGS: The Cherokee Nation asks that this testimony be made a part of the record in the case of Ben Adams, F. D-7[illegible], the said Ben Adams being the son of Warren Adams and a number of these other applicants.
COMMISSION: The request of the attorney for the Nation will be complied with and the testimony filed.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 27th day of May, 1902.

T. P. Rutter
Notary Public.

No. 127

FILED
AUG 1 1902

Proof 9 [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Mar 21, 1903.

In the matter of the application of [illegible] Abert for enrollment as a Cherokee Freedman

Applicant appears by Gilbert F. Smith, Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Lewis Phillips, Trustee for the Freedmen, vs The Cherokee Nation No. 17206 filed in the Mariah Hayden case F D 421, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Addie White, D 722;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitaire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that Notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side of the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

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I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

D. C. D.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ben Adams, et al., as Cherokee freedmen, consolidating the applications of:

| | |
|---|---|
| Ben Adams, | Cherokee Freedman D 715 |
| Addie White, | Cherokee Freedman D 722 |
| Martha Virgel, | Cherokee Freedman D 726 |
| Nettie Rodgers, et al., | Cherokee Freedman D 1097 |

-: D E C I S I O N :-

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Ben Adams for himself; by Addie White for herself; by Martha Virgel for herself, her application also included her minor child, but the latter is differently classified, and is not embraced in this decision; and by Nettie Rodgers for herself and her minor children, Bell Thompson, Willie Rodgers and Leroy Lang.

THE EVIDENCE HEREIN SHOWS: That all the applicants herein, except Addie White, who was born prior to the war of the rebellion, are descendants of and claim their rights to enrollment as Cherokee freedman through Warren Adams and his wife, Ibbie or (Isabella) Adams; that the said Warren Adams, his wife Ibbie (or Isabella) Adams, and the applicant, Addie White, were the slaves of Cherokee citizens at the commencement of the rebellion, that during said rebellion they removed from the Cherokee Nation to the state of Kansas, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant, Willie Rodgers, (six years old), is a son of the Nick Rodgers, a Cherokee freedman who is identified upon the 1880 authenticated roll only. It also appears that the applicant, Bell Thompson (thirteen years old) is a daughter of one Nelson Thompson, whose name appears as

No. 3387, upon a list prepared by this Commission of persons entitled to enrollment as Cherokee freedmen, and approved by the Secretary of the Interior, November 16, 1904.

None of the applicants herein can be identified upon the 1896 authenticated Cherokee roll.

Although ample opportunity has been afforded said applicants to show by satisfactory evidence their right to enrollment as Cherokee freedmen, they have failed to do so.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Willie Rodgers and Bell Thompson should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and that, following the ruling of the Department in the cases of Eliza Bryant, et al., (I. T. D. 544-1904), William Rector, (I. T. D. 1468-1904) Minnie Duncan et al., (I. T. D. 1470-1904), Samantha Chambers, (I. T. D. 2296-1904), Ed Williams, (I. T. D. 4230-1904) and Moses Ross, (I. T. D. 6066-1904), the applications for the enrollment of Ben Adams, Addie White, Martha Virgel, Nestie Rodgers, and Leroy Lang, as Cherokee freedmen, should be denied, under the provisions of section twenty-one, above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 28 1905

Card No. 722

IN RE
THE DEATH OF

[illegible]
a citizen of the

Cherokee Nation

Approved January 4 1906

[illegible] Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
January 4 1906
[illegible] COMMISSIONER.

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of [redacted] (Here insert name of deceased.) a citizen of the Cherokee Nation, who formerly resided at or near [illegible] (Here insert name of postoffice.) Ind. Ter. and died on the 12 day of December, 1905

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, William Buford, on oath state that I am 21 years of age and a [redacted] of the Cherokee Nation; that my postoffice address is Vinita (Here insert name of postoffice.) Ind. Ter., that I am [redacted] of Dennis Buford (Here insert name of deceased.) who was a [redacted] by birth of the Cherokee Nation and that said Dennis Buford died on the 12 day of December, 1905

WITNESSES TO MARK:

(Must Be Two Witnesses)

William Buford

Subscribed and sworn to before me this 27th day of December, 1905.

William P. Dreyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, ..... DISTRICT.

I, ....., on oath state that I am ..... years of age, and a citizen by ..... of the ..... Nation; that my postoffice address is ..... (Here insert name of postoffice.) Ind. Ter.; that I was personally acquainted with ..... (Here insert name of deceased.) who was a citizen, by ....., of the ..... Nation; and that said ..... (Here insert name of deceased.) died on the ..... day of ....., 1.....

WITNESSES TO MARK:

(Must Be Two Witnesses.)

Subscribed and sworn to before me this ..... day of ..... 190.....

Notary Public.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.;**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Addie White,
Vinita, I. T.
Cherokee-F-D-732.
Registor.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee Freedmen

D-932.

Muskogee, Indian Territory, June 26, 1908.

Addie White,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 26, 1908, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Incl. H-43
Register

COPY

Cherokee Freedmen

D-721.

Muskogee, Indian Territory, June 28, 1906.

Edgar Smith,

Attorney for Addie White,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 26, 1906, rejecting, among others, the application for the enrollment of Addie White as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Incl. S-44
Register

COPY

Cherokee Freedmen

D-718, WV et al.

Muskogee, Indian Territory, June 26, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 26, 1908, granting the application for the enrollment of Bell Thompson and Willie Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-49

Cherokee Freedmen
D-90, et al.

Muskogee, Indian Territory, June 24, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen, including the Commission's decision dated June 24, 1908, granting the application for the enrollment of Bell Thompson and Willie Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

Respectfully,

ENCLOSED. Tams Bixby.
Chairman.

Incl. D-90

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-782.

Muskogee, Indian Territory, January 12, 1902.

W. F. Ireland,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of January 8, asking to be advised as to the status of the application for the enrollment of Addie White as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

(8 0 0 7)

Land
Correspondence
Staff-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 4, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Ben Adams for himself; by Addie White for herself; by Martha Virgel for herself; and by Neetie Rodgers for herself and her minor children, Bell Thompson, Willie Rodgers and Leroy Lang.

June 28, 1906, the Commission decided favorably to Bell Thompson and Willie Rodgers and adversely to all the others.

The record shows that all the applicants except Addie White who was born prior to the war of the rebellion, are descendants of and claim rights to enrollment as Cherokee Freedmen through Warren Adams and his wife, Ibbie (or Isabella) Adams; that Warren Adams, Ibbie Adams and the applicant, Addie White, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they removed from the Cherokee Nation to the State of Kansas and did not return to the Cherokee Nation on or before February 11, 1867.

It further appears that Willie Rodgers, aged six years, is a son of one Nick Rodgers, a Cherokee Freedman who is identified

on the 1896 authenticated Cherokee roll. It also appears that Bell Thompson, aged thirteen years, is a daughter of one Nelson Thompson, whose name appears at No. 1267 upon a list of Cherokee freedmen approved by the Department November 16, 1904. None of the applicants is identified on the 1896 authenticated Cherokee roll.

By letter of July 21, 1908 (forwarded to the Department August 3, 1908(Land 87437-1908) the attorneys for the Cherokee Nation transmit the protest of the Nation against the enrollment of these applicants and the same has received due consideration.

In view of the record the approval of the Commission's decision favorable to Bell Thompson and Willie Rodgers and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Muskogee, Indian Territory, March 1, 1906.

J. J. Bulger,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of February 23, stating that you have been retained in the Cherokee freedmen cases of Ben Adams, D-718, Addie White, D-722, Martha Virgel, D-726, and Neatie Rodgers, et al., D-1097, and asking to be furnished a copy of the record of proceedings had in said cases, in order that you may prepare a motion for a new trial.

In reply you are advised the records of this office show that W. S. Stanfield and Thomas A. Foreman are attorneys of record for Ben Adams, and a copy of the record of proceedings had in his case has heretofore been furnished them; that Wellette and Smith of Vinita, Indian Territory, are attorneys of record for Addie White, and that a copy of the record of proceedings had in her case has heretofore been furnished them; that A. E. McRae is attorney of record for Martha Virgel, and a copy of the record of proceedings in her case has heretofore been furnished him, and that Osborn & Osborn are attorneys of record for Neatie Rodgers, et al., and that a copy of the record of proceedings had

in her case has heretofore been furnished them. Your request to be furnished copies of the record of proceedings had in these cases cannot, therefore, be complied with.

Respectfully,

LS

Acting Commissioner.

(C O P Y)

D.O.2986-1907. S.P.Jr.

DEPARTMENT OF THE INTERIOR, 112

WASHINGTON/

I.T.D.9860-1906. January 11, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Ben Adams, Addie White, Martha Virgil, Nettie Rodgers, Bell Thompson, Willie Rodgers, and Leroy Land, including its decision of the same date, favorable to Bell Thompson and Willie Rodgers and adverse to all the others.

Reporting August 4, 1905 (Land 57437), the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

On September 7, 1905, motion for review was filed.

The nation protests against the granting of said motion.

The motion appears to be without merit and is hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner of Indian Affairs.
1 inc. and 4 to Ind.Of.

Thos. Ryan,
First Assistant Secretary.

Tahlequah, Indian Territory, January 21, 1907.

Addie White,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the Cherokee freedman enrollment case of yourself, et al., filed by your attorneys September 7, 1906, denied.

Respectfully,

JMH

Commissioner.

Thompson P.
D-715 et al.

Washington, Indian Territory, January 22, 1907.

Messrs. Blue & Bulger,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, denying the applications for the enrollment of Ben Adams, Addie White, Martha Virgil, Reedie Rodgers and Lorey Lang, and granting the application for the enrollment of Bell Thompson and Willie Rodgers, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 11, 1907, and motion for review of said case, filed by you September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. R-17
JMM

Commissioner.

Cherokee P.
Dwlt et al.

Muskogee, Indian Territory, January 21, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, denying the applications for the enrollment of Ned Adams, Addie White, Martha Virgel, Beatie Rodgers and Lorey Long and granting the application for the enrollment of Bell Thompson and Willie Rodgers, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the said case, filed September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. R-16
JMK

9782

INDIAN TERRITORY
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1901

COMMISSIONERS
TAMS BIXBY
TOM BIXBY
TAHLEQUAH, I. T.
ALLEN A. ARGUBRIGHT
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. T. Territory, June 14, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lillie Smith for enrollment as Cherokee Freedman.

Mellette Smith

Cherokee Freedman # 27,99

Cher fr K 1114

Trans. from Cher fr D 726

Cher fr K 1114

[illegible]

[illegible]

[illegible]

Examined Virgil [illegible]

[illegible] roll of citizens of the Cherokee Nation [illegible] Examined and identified in book on [illegible] page [illegible] Examiner.

[illegible] roll of citizens of the Cherokee Nation [illegible] and identified on [illegible] page [illegible]

MY NAME IS [illegible]

Were you ever married but once? A Yes sir.
Whose was your first husband's name? A [illegible]
Is he living? A Yes sir.
Are you married from him? A No sir.
After that you married Virgil did you? A Yes sir.

MY NAME IS [illegible]

Where were you living when you first remember? A On Grand River.
What place on Grand River? A Oh I don't know the name of the place, my farm is up to Island Bark.
Who lived near you? A Old man Harper.
That was George Clark's father-in-law? A Yes sir.
George lived there too? A Yes sir.
How far did you live from Nick Martin? A I don't know, I don't know Nick Martin.
You know Joe Thompson? A No sir.
How long is not you moved from Kansas back to this country?
I never lived in Kansas.
Didn't you say there with Virgil when he went? A No sir, I didn't.
How long have you been living in Texas? A I have never been to Texas.
You have never lived anywhere except in the Cherokee Red Creek Nation since you was born? A No sir, I never.
You are now living at Claremore? A Yes sir.
How long have you lived at Claremore? A Since February.

MY NAME IS [illegible]

Where is this child, Lucile? A She is at Lenapah.
She is in your custody now? A Yes sir.
She is not living with you now? A Yes sir, she is, but I sent her over there with her mamma the other day.
Is her father Eli Vann? A Yes sir.
Did you have any children by Virgil? A No sir.
You are not living with Vann? A No sir, not living with the other one.
Did Eli leave you? A Yes sir, we separated.
He wasn't the one that was killed by lightning? A No sir.
He ought to have been killed by lightning? A No sir, I want him to live on.
What did you live on and farther do you? A He aint farming.
Is Eli Vann the father of Lucile you say? A Yes sir.
What did you have you got of your marriage? A I haven't got no certificate because I didn't married W no certificate.
Where were you married? A Tahlequah.
Who married you? A Old man Roberts.
Did he [illegible]? A No sir.
Where were you married? A No not here there and [illegible]

MY NAME IS [illegible]

Examined and identified on roll of citizens of the Cherokee Nation by [illegible] page [illegible]

MY NAME IS [illegible]

Martha Virgel et al #

that she was married to one Eli Vann, who was father of the child for whom she applied; she separated from Eli Vann, and since married one Fred Virgel, from whom she is now separated; she swore that said Lucile Vann is her child by her marriage with Eli Vann, and Eli Vann is duly identified upon the authenticated roll of 1880, and has been listed for enrollment on straight card number 341; she made no proof of her marriage to said Eli Vann, which will be necessary for her to do; she swore that she is a sister of Ben Adams, who was listed for enrollment on D 718, and the testimony taken in the matter of the enrollment of Ben Adams will be made a part of the record in the case at bar, and a copy of said testimony will be filed herewith; she makes satisfactory proof as to the birth of said Lucile Vann, whose name cannot be found upon any of the rolls of the Cherokee nation; she claims citizenship for herself, through her father and mother, and she claims citizenship for her child, both through herself and through the rights of its father, Eli Vann. Said Martha Virgel will now be listed for enrollment as a Cherokee freedman upon a doubtful card, and her child, Lucile Vann, will be listed for enrollment as a Cherokee freedman upon a straight card, but want to emphasize the fact that it will be necessary for her to prove marriage between herself and Eli Vann before the enrollment of said Lucile Vann upon a straight card will be complete.

---

sworn

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 15 1907

DEPARTMENT OF COMMERCE

# CHEROKEE FREEDMEN

Date 13

Post Office

Territory

1 Name

Owner's name

Year Page

Parents

Father

Mother

11 Name of wife

Owner's name

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Doubtful

Names of Children

| | | | | |
|---|---|---|---|---|
| 2 | Year | Page | No. | Dist. |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12 | Year | Page | No. | Dist. |

Doubtful

Application made by Stenographer

1 Cherokee. Dallas. Martha Adams

1 " Roll. Page 172 #24 - Martha Adams

Sen. Rect

Atty. W. C. Rea. Agent for applicant

X Ref. R 715

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 26 1901

Secretary.

Sir:

Yours of the 19th instant, with copy of letter of Mr. Thos. B. Ashby, Attorney for the Choctaw Nation, relative to the application of Lilly Ann Ward for a certificate of citizenship, has been received.

In reply I have the honor to state that the application of Lilly Ann Ward was considered by the Commission to the Five Civilized Tribes at its session held at Muskogee, Indian Territory, on the 19th day of June, 1899, and was rejected for the reason that the evidence adduced was not sufficient to show that the applicant was a bona fide resident of the Choctaw Nation on the 1st day of October, 1896, and was not entitled to be enrolled as a citizen of the Choctaw Nation.

Lilly Ann Ward was a minor at the time of the hearing of her application, and her father, who was a citizen of the Choctaw Nation, was present and testified in her behalf. The testimony showed that the applicant was born in Texas and had never been in the Choctaw Nation, and that her father had left the Choctaw Nation in 1896 and had never returned to it.

Lilly Ann Ward was not a bona fide resident of the Choctaw Nation on the 1st day of October, 1896, and was not entitled to be enrolled as a citizen of the Choctaw Nation.

Respectfully,

Tams Bixby
Chairman.

To be filed in case of Martha Vingal, C[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 18, 1902.

In the matter of the application of Ben Adams for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Ben Adams.
Q How old are you? A I am about 58 as nigh as I can keep my age.
Q What is your post-office address? A Chaffee, Indian Territory.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Where were you born? A I don't know sir.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls of the Cherokee Nation? A I think so.
Q What rolls? A I think it is on the Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined andapplicant not found;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 159 #3925 Ben Adams, Cooweescoowee District.
Wallace roll of citizensof the Cherokee Nation examined and applicant identified thereon as follows:
page 195 #3884 Ben Adams, (No district)

Q Were you a slave? A No sir.
Q Born a slave? A No sir.
Q What was your father's name? A Warren Adams.
Q Is he living? A No sir.
Q ~~Was you~~ What is your mother's name? A Ibbie.
Q Is she living. A No sir.
Q Was your father a slave? A Yes sir.
Q Was your mother? A Yes sir.
Q To whom did your father belong? A Dick Martin, I have been told.
Q Who did your mother belong to? A The same man.
Q Was he a Cherokee citizen? A Yes sir.

TOBE BEAN, being sworn and examined by the Com'r Needles, testified as follows:

Q What is your name? A Tobe Bean.
Q How old are you? A 64 years old.
Q What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A No sir, they don't recognize me.
Q Your name is not on the authenticated roll of 1880? A No sir
Q You claim citizenship? A Yes sir.
Q Do you know the applicant here, Ben Adams? A Yes sir.
Q How long have you known him? A Ever since he was born.
Q Where was he born? A Born in Kansas.
Q Did you know his father? A Yes sir.
Q What was his name? A Warren Adams.
Q Did you know his mother? A Yes sir.
Q What was her name? A Ibbie Adams.
Q Were they slaves? A Yes sir.
Q To whom did they belong? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Is his father and mother living? A No sir, both dead.
Q Were they taken out of the Cherokee Nation during the war? A Yes sir.
Q Was Ben taken out with them? A No sir, he wasn't born then.
Q Where did they go to? A West to Kansas.
Q When did they return? A '66, along about the latter part of '66.

Ben Adams 2

Q They have this child Ben with them when they returned? A Yes sir
Q Where did they come to? A Up on Grand river
Q Now do you know they returned in '66? A I saw them
Q Were you with them? A In the winter they came back with me
Q You and they came back together? A Yes sir, in the winter of '66.
Q Was that January '66, or December, '66? A I don't know. It was along just before Christmas.
Q Before Christmas? A Yes sir, little while.
Q Have you known Ben Adams since that? A Yes sir.
Q Has he always been living in the Cherokee Nation? ~~all the while since that~~ A Yes sir, I guess he has lived in the Cherokee Nation all the while since that; he says he has ~~lived~~ been living off to Claremore there.
Q You are certain he returned with his father and mother some time before Christmas in '66? A Yes sir.
Q You were with them in Kansas? A Yes sir.
Q Where was that? A Anderson County, close to Garnett.
BY MR. DAVENPORT, Cherokee Rep've:
Q You are an applicant for citizenship yourself? A Yes sir.
Q He and his parents came back at the same time you came? A Yes sir in the winter of '66.
Q You and he didn't belong to the same parties when the war broke out? A No sir.
Q How far were you living from them when the war broke out? A About five miles.
Q They belonged to Dick Martin? A Yes sir.
Q Is he living now? A No sir.
Q Well that Dick Martin is a son of the old man? A No sir; he is a son of Joe Martin.
Q How far did Joe Martin live from Dick Martin at the breaking out of the war? A I think they called it seven or eight miles.
Q What point in Kansas did you go? A Went up in Aderson County.
Q Any towns up there? A Yes sir.
Q What p lace? A Garnett.
Q Well now, when did you say you started back to the Cherokee Nation after the war was over? A I come in the fall of '66, and then went back in the winter.
Q Did you come before or after the t eaty was made? A After the treaty was made.
Q What time did you come back? A About the last of September or the first of October.
Q Did you go back? A Yes sir.
Q When you went back to Kansas how long did you stay before you again returned? A About two months I guess, it might have been a month and a half.
Q Then you came back to the Cherokee Nation? A Yes sir.
Q Who came with you at that time? A I don't know who all; lots of them; Warren Adams, George Bean, and Art Bean.
Q When you came back what point did you go to? A I went to Grand river.
Q Where did Warren Adams go? A On Grand river, about two miles from me.
Q When you got back there, you and Warren Adams, who was living near there? A Crap Lynch and Art Lynch.
Q Was there any Cherokees living there? A Yes sir, old man Scraper
Q Where was George Clark living? A I don't know sir, up the river somewhere.
Q Old man Scraper was George Cla rk's father-in-law? A Yes sir.
Q Where was young Dick Martin living at that time? A With his father I guess.
Q How far away was that? A Seven or eight miles.
Q Did you see young Dick Martin when you got back there? A No sir.

Joe Adams 2

Q About how long after you got there was it until you saw Quoted Chick Martin? A I don't know.
Q Was it a month? A It may have been about two or three months.
Q Do you think it was as long as three months? A I don't know.
Q Where was Joe Thompson living at that time? A I guess home in the south, I don't know.
Q On what place did Warren go when he located? A He stopped with his father until, he died directly after he came here.
Q Was Warren's father living too? A Yes sir.
Q Did Warren's father come back with Warren? A Yes, sir, they all came back in the same winter.
Q Where did his father stop? A Over there close to the Joe Lynch place.
Q On what place? A They called it Joe Lynch's Spring Branch.
Q Was it part of the Joe Lynch farm? A Yes sir, and they took it from the old man after he ade some improvements on it.
Q Joe Lynch took it from him? A Yes sir.
Q Joe Lynch died before the war?A Yes sir, but he had some some, Lon and Chick.
Q Lon was living on the Joe Lynch place when you came back? A No sir.
Q When did you first see Lon Lynch after you got back? A I saw him at Vinita, I saw him taking census, that's the first time I saw him.
Q About what year was that?A About a month ago.
Q You never hd seen him after the war?A No sir.
Q Don't you know he came back to the old home place just after the war? A Yes sir.
Q Where did you go that you didn't see him? A I can't see everybody in the country.
Q You went with Warren Adams to the Joe Lynch place, and know he located on the Joe Lynch place? A He was with his father.
Q Did you go off somewhere else? A I stayed there until after Warren died.
Q How long did he live after he came back? A He didn't live a year I don't think.
Q You know where this boy had beenliving since the war? A Been living in the Territory I guess; I told you he had been living out about Claremore; went over there with his sister and stayed awhile.
Q Do you know of your own knowledge? A I couldn't trace the boy around, he is liable to go to Kansas or anywhere.
Q As a matter of fact he has been in Kansas most all the time? A I don't know.
Q Has he a home on Grand river? A Yes sir, he lives with his people.
Q Who is his people? A I am his uncle, and Joe Ragsdale is his und and Art Bean, brother-in-law.
Q How old is he now?A About 36 years old.
Q About how old was he when you brought him back?A He was a small boy.
Q Was he big enough to talk? A Yes sir.
Q Wasn't big enough to drive horses? A No sir.
Q How much field did you make on that Joe Lynch place you are talking about being taken away from this old man? A About four or five acres, cleared in the bottom.
Q How far from the house was that? A Log house.
Q I say how far was that field from Joe Lynch's house? A About a quarter of a mile or not hardly so far.
Q Wasn't that the place your uncle Joe lived before the war? A Yes sir.
Q It was in Saline district then? A Yes sir.

MOSE RILEY, being sworn and examined by Com'r Needles, testified as follows:

Ben Adams 4

Q What is your name? A Moses Dilley.
Q What is your age? A About 21.
Q What is your post-office? A Chelsea.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is the roll of 1880? A No sir.
Q You claim to be a Freedman? A Yes sir.
Q Do you know the applicant here, Ben Adams? A Yes sir.
Q How long have you known him? A I have knowed him ever sin he was a small boy.
Q What was his father's name? A Warren.
Q What was his mother's name? A Ibbie.
Q Did you know his grand-father? A Yes sir.
Q What was his name? A One was named Sandy Bean and the other one was named Adam Martin.
Q Was his father Warren Adams, and mother, Ibbie, slaves?
A Yes sir.
Q Who did they belong to? A Dick Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q You know whether Warren Adams and Ibbie were taken out of the Cherokee Nation during the war between the North and the South?
A Yes sir.
Q Where did they go? A Went to Anderson County, Kansas.
Q Were you with them? A No sir.
Q You know when they returned to the Cherokee Nation? A Right after the war.
Q You know what year? A No sir, I don't know exactly what year.
Q You know where Ben was born? A No sir, when I saw him he was born, over there in Saline.
Q He was already born when you saw him? A Yes sir.
Q The Bible says man has to be born again though? A Yes sir, but he was born the first time when I see him.
Q You don't know whether he was born in the Cherokee Nation or Kansas? A No sir, he was a little short fellow living there with his father and mother.
Q Where were they living? A Theye at the old man Sandy Bean's.
Q You don't know what year they got back in the Cherokee Nation?
A No sir; times was hot here yet when I seen them.
Q You mean the weather was warm? A No sir, the Indians was hot, we couldn't go around.
Q They were kind of hot under the collar? A Yes sir, and all around everywheres.
Q Breeching and all; well now you couldn't tell what year it was they returned? A No sir, not exactly.
Q You know they returned ashort time after the war closed? A Yes sir.
Q You have known Ben Adams ever since that? A Yes sir.
Q Is he a married man? A No sir.
Q Had bad luck aint he? A I reckon.
Q Might be good? A Yes sir, I expect he is better off.
Q You don't know whether Marriage is a success or not? A No sir.

BY CHEROKEE REP'VE DAVENPORT:

Q You know where he has been living since the war? A Eversince he has been any size I know where he has been living.
Q Can you tell me where he has been living for the last seven years?
A Yes sir, Claremore and all around here.
Q How many times have you seen him at Claremore in the last seven years? A Five or six times, I reckon.
Q How many times have you been to Claremore in the last seven years? A I don't know sir, every few weeks.
Q Where do you live? A Right up here.
Q How far? A Four miles.
Q Now you don't know anything about where these people were during the war? A You mean before they was over there?

Ben Adams 8

Q I mean from the time the war began until it closed? A They was more part of the time.
Q And then? A In Anderson County, Kansas the other part of the time.
Q You know what year they went to Anderson County, what year? A No sir, I wouldn't have knowed that nohow if I had seen it.
Q You don't know what time '66 was if you had seen it would you? A I had a little sense then, of course I got in around among where people would tell me what it was.
Q You got out from around the Indians, and you learned some sense? A I was out and in amongst them too, but the old boss told me that.
Q What place did they come to in the Cherokee Nation? A Ow Island Ford, near Sandy Bean's place, I first see them.
Q They located there on Sandy Bean's place? A I saw the old man there, and his wife.
Q They were keeping house when you saw them? A Stayed together you mean?
Q Yes? A They was just there at the old man's when I saw them.
Q How long did they stay? A They stayed there quite awhile.
Q Then where did they go? A They stayed with grandfather Adams.
Q Then where did they go? A I think then they got hold of the place of old Looney; livedup under the hill there in Delaware.
Q They didn't go back any more to the Joe Lynch place where they had formerly lived before the war? A I don't know the time they lived on the Joe Lynch place.
Q Did they live near the Joe Lynch place in Saline after they came back? A I don't remember them; there's several lives right close there, and there was a whole lot of darkies in and around in that place, and they might have been there too, I don't know.
Q You would have remembered it if they had been there? A If they had been living there to themselves I might but if they had been living with these several I might not have.
Q You know where Lon Lynch was at the time they came back from Kansas? A I never saw Lon Lynch for five or six years after that, I don't know whether I would know who he is or not now.
Q You hadn't lived in that country lately? A No sir. It has been 21 or 2 years since I lived there.
Q You knew Lon at the breaking out of the war? A No sir.
Q How far were you living from the Joe Lynch place when the war broke out? A I was living on the McNair place, about 10 miles away
Q You didn't know that Joe Lynch's family? A I knowed Joe.
Q Did you know these darkies? A Yes sir, I knowed them well.
Q How far from the Dick Martin place were you when the war broke out. A It was a little south-west, I don't know just how far we was from where the Lynch Prairie is now, butit is a little south-west from the Lynch Prairie and south og Rock Creek.
Q Can't you tell about how far it is? A I expect it is about close to same distance.
Q About ten miles? A About ten or twelve miles I guess, some where along there.

APPLICANT, BEN ADAMS, re-called, and further examined;
By COM'R NEEDLES:

Q You say you were never married? A No sir.
Q You have lived in the Cherokee Nation continuously all your life A Yes sir.
Q Haven't you never worked out any? A Oh yes sir, I have worked on the railroad awhile, down in the Choctaw nation.
Q Did you ever work in Kansas or Texas? A No sir.
BY MR. DAVENPORT:
Q You have never gone to school any like the rest of these fellows in Kansas? A No sir, I ant had no chance to go to school here much.
BY COM'R NEEDLES:

Ben Adams 6

Q. Name your father's [illegible] they lived? A. Yes sir, [illegible] a small boy when they [illegible]

Com'r Needles: Ben Adams applies for the enrollment of himself; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is identified upon the Kern Clifton roll as coming to date and number of the roll as indicated in the testimony; he makes satisfactory proof as to residence, reference is made as to his citizenship to the testimony, and said Ben Adams will now be listed for enrollment as a Cherokee Freedman, on a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at, in the premises.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green

Subscribed and sworn to before me this June 22, 1901.

(signed) T.B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 23rd, 1901.

Commissioner.

File with Dockets Filed C. F. D. 722

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 16th 1902.

SUPPLEMENTAL TESTIMONY in the case of Ben Adams, C. F. D. 718.

Appearances:
James B. Davenport for the Cherokee Nation.
Mollette & Smith for the applicant, in C. D. D. 722 but not in the present case, being present in this case simply in order to cross examine the witnesses for the benefit of C. F. D. 722.

BEN ADAMS called three times and appears not either in person or by attorney. Satisfactory proof of notice filed, that this testimony would be taken on this day by the Cherokee Nation.

Witnesses placed under the rule.

C. L. LYNCH, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
( By Mr. Davenport )
Q What is your name? A C. L. Lynch
Q Where do you live? A In Flint District, Cherokee Nation.
Q How old are you? A 61.
Q Where were you living at the breaking our of the war? A In Saline district, Cherokee Nation.
Q How far from Grand river? A About a mile in some places, the closest point.
Q What was your father's name? A Joe M. Lynch
Q Did you go away during the war? A Yes sir in '63 and I come back in February of '67.
Q When you came back to what point did you come in the Cherokee Nation? A To our old place on Grand river, Saline district.
Q When was that? A '67.
Q Who was living there on the old place when you come back? A Mr. Scraper, he was living there then,
Q What was his first name? A George.
Q Did you then know a colored man named Warren Adams? A I dont know him by that name.
Q Did you ever know a colored man named Warren? A Yes sir, he belonged to the Martins.
Q Did you see him after the war? A No sir.
Q Was he or his family living on your old place when you come back? A No sir.
Q Did they move there after that to your knowledge? A No sir.
Q Do you know Ben Adams, the applicant in this case? A No sir, never saw him to know him .
Q How long did you stay at this old place? A Often and on during the year '67.
Q This man Warren was not living there at that time? A No sir.
( By Mollette )
Q This man Warren was a slave before the war? A Yes sir.
Q Who owned him? A Dick Martin.
Q Were you well acquainted with this slave? A Yes sir some of them
Q You never have seen him since the war? A No sir.
Q Don't know what country he has lived in since the war? A I have lived on Grand river.
Q I say, do ? A Oh, no sir.
Q You dont know if he was in the Cherokee Nation or not? A No sir.
Q Dont know if he was in the Cherokee Nation in '66? A No sir.
( By Davenport )
Q You do know that he was not on your father's old place in '67? A No sir he wasn't there, I was there and he wasn't there.

GIBBIN CLARK being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:

( By Davenport )
Q What is your name? A Little Clay.
Q What is your post office address? A Vinita.
Q How old are you? A 24.
Q Where did you live before the war broke out? A I have lived in the territory all my life.
Q Did you go away during the war? A Not much, I had a soldier in this country.
Q After the war closed in '65 where did you locate? A In Delaware district.
Q How far is that from the old Joe Lynch place? A I located within 4 or 5 miles from it, my father in law was living on that place then.
Q Who was he? A O. H. Sarcher.
Q Did you ever know a colored man named Warren Adams? A Yes sir.
Q Did you know him before the war? A No sir.
Q You know him after the war? A Yes sir.
Q When did you first get acquainted with him? A In the '70's
Q Were you ever on your father' in law's place in '67? A Yes sir I was there of m,I visited my wife's folks.
Q Did Warren Adams and his family live on the old Joe Lynch place in '66 and '67? A No sir.
Q Do you know of your own knowledge if he lived there after that? A I dont think Warren ever lived there, his father came there and bought, his father lived in one of the Negro out houses and made four or five crops there on the Spring Branch.
Q What year was that in? A I think he staid there three or four years after thata I think he went there in '68.
Q They didn't live there at all while Mr. Sarcher was there? A No sir.
( By Mellette )
Q Did you say that Warren Adam's father moved there in '67 or '8? A I think it was in '68.
Q Do you think your recollection is positive on that point? A Yes sir.
Q It was either in '67 or '8? A Yes sir.
Q What time in '68? A He went in one of these outhouses in '67 I think but he never made a crop there until '68.
Q You dont tell if Warren Adams moved there in December of '67 or not? A No sir not positive as to the month.
Q You didn't pretend to keep the dates? A No sir.
Q You dont know where Warren Adams was in 66? A No sir.
( By Davenport )
Q Do you know the applicant Ben Adams? A Yes sir.
Q Have you known him for the last few years? A Yes sir, for several years,he is a relation of the Beans and lives right there.

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This will be filed in Cherokee freedman cases D-715;D-722;D-726 and D-881.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 16th of October, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 29 1901

File only Martha Virgel, T. P. N. 2.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 2nd 1902.

In the matter of the application of Martha Virgel, T. P. N. 2.

[illegible] Examiner.
Witness placed under the rule.

Appearances.
W. W. Hastings for the Cherokee Nation
A. L. Wolfe for the applicant.

WILLIAM DAY being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation.
( By Hastings )
Q What is your name? A William Day.
Q What is your age? A 64 past.
Q What is your post office address? A Garnett, Kansas.
Q How long has that been your postoffice? A Since '67 or '8.
Q Did you know a colored man or woman there named Warren and Ibbie Adams? A Knew acquainted with him, saw her, not much acquainted with her.
Q Where were they living when you first knew them? A East of Garnett.
Q On a farm? A Yes sir.
Q How long did they live there after you came to Garnett? A Not long.
Q Well, about how long? A They must have left here in '69 or '70.
Q Were they living there when you came? A Yes sir.
Q Did they have any children that you remember? A They had some children, I dont know exactly their names.
Q How long after you came there until you got acquainted with them? A It was just before they went away, I saw them at church, I dont know just when I did get to say acquainted with them.
Q Whose place was it that they lived on? A At that time I didn't know, I know who owns it now.
Q Who? A Man named F. G. Brumm.
Q About how far from town was it? A Right round about two miles, one and a half or two miles.
( By McRea )
Q You dont know who owned Warren and Ibbie Adams? A No sir.
Q You dont know when they first came to this particular place you speak about? A No sir.
Q You dont know whether or not they ever lived out of the Cherokee Nation during the war? A No sir.
Q You dont know where they were in '66? A No sir.
Q Or in '67? A In the early part of '67 I dont know where they were.
Q When did you say your acquaintance first commenced with these two people? A I cant tell when exactly or at what place it was, just before they left to come back here though.
Q Your acquaintance with them wasn't very intimate was it? A No sir they lived quite a ways from town, and I didn't get outvery often.
Q You dont know the applicant in this case, Martha Virgel, the reputed daughter of Warren and Ibbie Adams? A No I dont know her.
Q And you dont know if that Warren and Ibbie Adams that you knew in Kansas is the reputed mother and father of this applicant, Martha Virgel or not? A I do not
Q You have no acquaintance with the applicant whatever? A No sir, if I does, I dont know it at this time.

W. A. JOHNSON being called and sworn by Com'r T.B. Needles, testifies as follows on the part of the Cherokee Nation-
( By Hastings )
Q What is your name? A W. A. Johnson.
Q Your age? A 71.
Q Your post office address? A Garnett, Kansas.
Q How long has that been your post office? A Since '7[illegible].
Q Mr. Johnson, did you know a colored man up at Garnett, Kansas by

the name of Warren Adams and [illegible] Q Do you know Warren Adams, I mean remember the effects name.
Q About did you first begin to see Warren Adams? A Some after the close of the war.
Q About how long did you have been there after the war? I don't remember when Warren Adams was last at Garnett, it was some time there about three or four years, in my judgment about it.
Q After the war? A Yes sir.
Q You are not limited as to the date, but you think it was three or four years? A Yes sir I cannot tell exactly the date, as there is no fixed event Warren Adams leaving that will be to my mind when I last saw him.

By Mr. Weise

Q Colonel, where did you say you first became acquainted with Warren Adams? A Garnett, Kansas.
Q What year? A It must have been in 1866.
Q What time in 1866? A I cant be positive about that
Q Do you know when he came there? A I do not, there were colored people came there while I was away in the army, I found that there when I returned to my home about in the fall of '65 or the winter of '66
Q Do you remember under what circumstances you met him, Colonel? A No not.
Q Now Colonel, are you willing to swear positively that he Warren Adams you met in Garnett, Kansas, is the Warren Adams who was in the alleged father of the applicant Martha Vingel? A No sir I cant be positive about anything I cant find. I dont know who the father of this applicant was.
Q You cant answer it? A No sir.
Q You wouldn't swear that? A No, I wouldn't swear who her father was.
Q You dont know the mother? A No sir I didn't know any of Warren Adam's family except himself.
Q Well now Colonel, did you keep tab on Warren Adam's movements from the time you first met him until he left there? A No sir I had no occasion to.
Q He may have returned to the Cherokee Nation in '66 or the early part of '67 without your knowledge? A He could have done it but I dont think he did.
Q You wouldn't swear positively that he didn't would you? A No sir, I wouldn't
Q When did he leave Garnett, Kansas, this Warren Adams that you knew? A Well, it would be only a matter of judgment with me about that. I would say it was about 1870.
Q You think he left about 1870? A Yes sir, it might have been earlier, but that would be my judgment about it now according to my recollection.
Q Do you know where he went to? A No sir, and I dont know exactly when he left; I knew him there as I knew the other colored man that were there; he disappeared from my observation and I dont know where, when or how he left; it is a difficult matter to say when any one leaves a country unless there is some facts to fix the time.
Q Did you ever see him back there any more? A I dont recollect seeing him any more.
Q And you dont know what became of him? A No sir, I don't.

This will be filed in Cherokee Freedmen cases, D-726; D-715; D-981 and D-722.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full the above and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 28th of October, 1901.

T. B. Buckingham Commissioner.

COMMISSION
NOV 17 '90

File with case of Martha Virgel, C.R.-D.#726

Supl. C.R.#981, Straight.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LUCILE VANN as a Cherokee Freedman; introduced on behalf of the Cherokee Nation:

APPEARANCES:
A. S. McRea, Attorney for Applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

ELI VANN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Eli Vann.
Q How old are you? A 33.
Q What is your post office? A Claremore.
Q You are here I believe to give some testimony in the case of a child, Lucile Vann? A Yes, sir.
Q Is that your child? A That is what its mother says.
MR. HASTINGS: Have you ever been married? A Yes, sir; I am married now.
Q When were you married? A 1895.
Q What was your wife's maiden name? A Katie Blackbird.
Q Were you ever married before 1895? A No, sir.
Q Do you know Martha Virgel? A Yes, sir.
Q Were you ever married to her? A No, sir.
Q Did you ever hold her out to the community as your wife? A No, sir
Q Did you ever live with her as husband and wife? A No, sir.
Q You were never married to her? A No, sir.
Q Did you ever claim to be married to her? A No, sir.
COM'R BRECKINRIDGE: How old is this child, Lucile, or do you know? A About seven years old I think.
MR. McREA: Mr. Vann, you say that the mother of this child alleged you to be the father of it? A Yes, sir.
Q Do you recognize it as being your child? A Not altogether; no, sir.
Q Well, now, do you or do y ou not recognize it as being your child? A No, sir.
Q It is not your child? A No, sir.

Com'r Breckinridge: This testimony will be filed as supplemental in Cherokee straight freedman case #981, the same being the case of Lucile Vann.
A net of this testimony will also be placed in Cherokee Freedman doubtful card #726, the same being the card of Martha Virgel.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this November 6th, 1901.

J. O. Rossen

Commissioner.

A 72

T. D-722

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 10/ 1898.

In the matter of the application of Addie Tate for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-722.

APPEARANCES:
Mallette & Walsh for applicant.
W. F. Hastings for Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q. What is your age, Mr. Johnson? A 50 years old.
Q Your postoffice address? A Carmalt, Kansas.
Q You have lived there I believe you state in another case since '89? A I have, yes sir.
Q Did you know a colored man by the name of Warren Adams? A Yes, sir, I did.
Q Did he have a family? A He did.
Q Where did he live when you knew him? A He lived on Bryan's place and over on Judge Spears's place.
Q When did you per acquainted with him? A Sometime in '64.
Q How long did you know him up there? A I knowed him till the summer of '68.
Q You know where he went when he left there? A I don't sir.
Mr. SMITH. What was his name? A Warren Adams.
Q. You knew a Warren Adams that left Kansas in '98? A Yes, sir.
Q Well you don't know where he is now? A No, sir I do not.
Q I believe you said you didn't know where he went to? A I don't recollect, whether he went to the Territory or where he went, he left there in '68.
Q You don't know where he went? A No, sir.
Q You don'T know about his family, if he had one? A I do/yes, sir
Q Well what was their names? A One girl I don't know what her name was, they called her Arnica.
Q Well did he have anybody else? A I think there were children, I don't know.
Q Not sure about that? A No, sir.
MR. HASTINGS. You know his wife's name? A I do not, no sir.
Q Was he a colored man? A He was, yes, sir.
Q Do you know whether he claimed to be from the Cherokee Nation or not? A Yes sir, he did.
Q You don't know whether he came back down here or not? A I do not.
BY MR. [illegible] Mr. Johnson, when did you say you first learned to know Warren Adams? A '62 I think.
Q And know him [illegible] from '62 till '68?
Q Were you [illegible] acquainted with him? A Yes sir.
Q Do you [illegible] in '98? A I do not.
Q Do you know where he was in '97? A Think he was right up there in Anderson County, Kansas.
Q Don't know where he was in '98. A He was there in our county from the time he came [illegible] in '68.
Q Well where was he in '98. A He was in Anderson County, Kansas.
Q How alone did he live to you? A About two miles and a half or three miles.
Q Did Warren Adams, Mr. Johnson, tell you the alleged father

Q. Do these applicants, Mattie Virgel and Addie White, is he their father? A. I don't know the Addie White.
Q. Ben Adams? A. Ben Adams; I thought he had a boy named Ben.
Q. And this Warren Adams that you know is the father, who was believed to be the father of these applicants? A. I don't know anything about these applicants outside of Warren.

COMMISSION: This testimony will be filed with and made a part of the record in the case of Martha Virgel, who appears by A. S. McKee, Muskogee, I. T., Np D-786, and in the case of Mattie Rogers, D-1097, represented by Lewis T. Brown, who appears by Mellette & Smith. Also in the case of Addie White the same being the case at bar, No D-722, who is represented by Mellette & Smith.

MR. HARTINOP: The Cherokee Nation asks that this testimony be made a part of the record in the case of Ben Adams F. D-715, the said Ben Adams being the son of Warren Adams and a number of those other applicants.

COMMISSION: The request of the attorney for the Nation will be complied with and the testimony filed.

---- -

Arthur Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur O. Croninger.

Subscribed and sworn to before me this 27th day of May, 1902.
(SEAL)
(SIGNED) F. O. Kuster

NOTARY PUBLIC

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. E. Kaufman

Subscribed and sworn to before me this 7th day of July 1902.

F. O. Kuster

NOTARY PUBLIC

D. C. L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ben Adams, et al., as Cherokee freedmen, consolidating the applications of:

| | |
|---|---|
| Ben Adams, | Cherokee Freedmen D 718 |
| Addie White, | Cherokee Freedmen D 721 |
| Martha Virgel, | Cherokee Freedmen D 724 |
| Beatie Rodgers, et al., | Cherokee Freedmen D 1097 |

-: D E C I S I O N :-

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Ben Adams for himself; by Addie White for herself; by Martha Virgel for herself, her application also included her minor child, but the latter is differently classified, and is not embraced in this decision; and by Beatie Rodgers for herself and her minor children, Bell Thompson, Willie Rodgers and Leroy Long.

THE EVIDENCE HEREIN SHOWS: That all the applicants herein, except Addie White, who was born prior to the war of the rebellion, are descendants of and claim their rights to enrollment as Cherokee freedmen through Warren Adams and his wife, Ibbie or (Isabella) Adams; that the said Warren Adams, his wife Ibbie (or Isabella) Adams, and the applicant, Addie White, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they removed from the Cherokee Nation to the state of Kansas, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant, Willie Rodgers, (six years old), is a son of one Hink Rodgers, a Cherokee freedman who is identified upon the 1880 authenticated Cherokee roll. It also appears that the applicant, Bell Thompson (thirteen years old) is a daughter of one Nelson Thompson, whose name appears as

No. 3367, upon a list prepared by this Commission of persons entitled to enrollment as Cherokee freedmen, and approved by the Secretary of the Interior, November 16, 1904.

None of the applicants herein can be identified upon the 1880 authenticated Cherokee roll.

Although ample opportunity has been afforded said applicants to show by satisfactory evidence their right to enrollment as Cherokee freedmen, they have failed to do so.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Willie Rodgers and Bell Thompson should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that, following the ruling of the Department in the cases of Eliza Bryant, et al., (I. T. D. 844-1904), William Rector, (I. T. D. 1468-1904) Minnie Duncan et al., (I. T. D. 1470-1904), Samantha Chambers, (I. T. D. 2394-1904), Ed Williams, (I. T. D. 4230-1904) and Moses Ross, (I. T. D. 6086-1904), the applications for the enrollment of Ben Adams, Addie White, Martha Virgel, Nestie Rodgers, and Leroy Lang, as Cherokee freedmen, should be denied, under the provisions of section twenty-one, above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 28 1905

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

## MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Martha Vinson,
Claremore, I. T.
Cherokee-F-D-726.
Minister.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman Tarpley

S-45.

Muskogee, Indian Territory, June 28, 1906.

Martha Virgel,

Fairland, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl, S-45
Register

CAT.

Cherokee Freedmen

D-736.

Muskogee, Indian Territory, June 30, 1906.

A. S. McBee,

Attorney for Martha Virgel,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting, among others, the application for the enrollment of Martha Virgel as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-46
Register

Cherokee Freedmen

S-711, et al.

Muskogee, Indian Territory, June 26, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 24, 1908, granting the application for the enrollment of Bell Thompson and Willie Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-48

Cherokee Freedmen
[illegible], et al.,

Muskogee, Indian Territory, June [illegible], 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen, including the Commission's decision dated June [illegible], 1908, granting the application for the enrollment of Bell Thompson and Willis Rodgers, and rejecting the applications for the enrollment of Ben Adams, et al., as Cherokee freedmen.

Respectfully,

James Dixby
Chairman.

Inal. [illegible]

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, March 1, 1906.

J. J. Bulger,

Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of February 23, stating that you have been retained in the Cherokee freedmen cases of Ben Adams, D-715, Addie White, D-722, Martha Virgel, D-726, and Neatie Rodgers, et al., D-1097, and asking to be furnished a copy of the record of proceedings had in said cases, in order that you may prepare a motion for a new trial.

In reply you are advised the records of this office show that W. S. Stanfield and Thomas B. Freeman are attorneys of record for Ben Adams, and a copy of the record of proceedings had in his case has heretofore been furnished them; that Mellette and Smith of Vinita, Indian Territory, are attorneys of record for Addie White, and that a copy of the record of proceedings had in her case has heretofore been furnished them; that A. S. McRea is attorney of record for Martha Virgel, and a copy of the record of proceedings in her case has heretofore been furnished him, and that Osborn & Osborn are attorneys of record for Neatie Rodgers, et al., and that a copy of the record of proceedings had

in her case has heretofore been furnished them. Your request to be furnished copies of the record of proceedings had in these cases cannot, therefore, be complied with.

Respectfully,

LS.

Acting Commissioner.

Cherokee F.
D-786

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 21, 1907.

Martha Virgel,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 11, 1907, and a motion for review of the Cherokee freedman enrollment case of yourself, et al., filed by your attorneys September 7, 1906, denied.

Respectfully,

JMK

Commissioner.

THE WESTERN UNION TELEGRAPH COMPANY

SEND

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee I.T. Oct 16 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedman.

A S McKee
Atty for applicant.

No. KD 726

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita I.T. Oct 16 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Dorothea Vinard for enrollment as Cherokee Freedmen.

A S McBee,
Attorney at Law

No. FR 926

F. D. 726

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 21 1901

ACTING CHAIRMAN

# NOTICE!

*IN THE MATTER OF* the application of Mattie Virgil.
for enrollment as Cherokee Freedmen
Case No. F. D. 726

To Mattie Virgil, or to A. S. McRea, her attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on Oct. 26th, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 21, 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

T. D. 726

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

by delivering a true copy thereof on the

_____ day of _____ A. D. 190

Given under my hand this

day of _____ A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

_____ day of _____, 190.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to A. S. McReal attorney for applicant on the 24 day of Sept A. D. 1901

Richard Rowe

Subscribed and sworn to before me this SEP 24 1901

J. C. Starr

DEPUTY CLERK U. S. COURT IN INDIAN TERRITORY.

~~COMMISSION EXPIRES MAY 26th, 1902. FIVE CIVILIZED TRIBES.~~

FILED
SEP 24 1901

ACTING CHAIRMAN

# NOTICE!

*IN THE MATTER OF* the application of Martha Virgo for enrollment as Cherokee citizens.

Case No. D 726

To Martha Virgo or A. S. McNew her Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct. 18th 1901 at 8 o clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this .....

L. B. Bell

W. W. Hastings

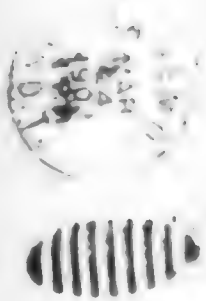
Attorneys for the Cherokee Nation.

CLAREMORE
JAN
24
7AM
1907
REC

Department of the Interior

[illegible]

MURFREESBORO TENN



Cher Fr R 985
Trans. from Cher Fr D 731

Cher Fr R 985

JUN 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 13th 1901.

In the matter of the application of George W. Lynch for the enrollment of himself, his wife and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows: ( one of the children being a step child )

Q What is your name? A. George W. Lynch.
Q How old are you? A. 40.
Q What is your post office address? A. Vinita.
Q In what district do you live in? A. Goweescoowee.
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My wife and five children.
Q What is the name of your wife? A. Matilda.
Q How old is she? A. 38.
Q What are the names of your children? A. Matilda Rosetta Lynch
Q How old is she? A. 17 years.
Q The next one? A. Eliza Lynch
Q How old is she? A. 16 years.
Q The next one? A. Sylvester Reed.
Q How old? A. 13 years.
Q Next? A. Florence Lynch.
Q How old is she? A. 7 years.
Q Next? A. Lula Bessie May Lynch.
Q How old? A. 3 years.
Q Are these children all living? A. Yes sir.
Q And all named Lynch? A. All but Sylvester, he is a step child and is named Reed.
Q Is your name on the roll of 1896? A. I dont know as it is.
Q Is it on any of the rolls? A. Yes sir two of them.

The Kern Clifton roll examined and the applicant found as follows Page 123 No. 356, Geo. Washington Lynch, Goweescoowee dist.

Wallace Roll examined and the applicant found as follows: Page 122 No. 2572, George W. Lynch, Delaware district.

Q What was your wifes father's name? A. Frank Ross.
Q Is he living? A. Yes sir.
Q What was her mothers name? A. Matilda Ross.
Q Is she living? A. Dead sir.

The authenticated 1880 roll of the Cherokee Nation examined and the name of the applicant's wife found thereon as follows Page 168 No. 3425, Matilda Ross Goweescoowee district.

The applicant's wife not found on the census roll of 1896.

The applicant himself not found on the 1880 or 1896 rolls.

The Kern Clifton roll examined and the applicant's wife and children found thereon as follows:
Page 2, No. 47, Matilda Ross ( Now Reed ) Goweescoowee dist.
Page 125, No. 3057 Rosetta Lynch, Goweescoowee district.
Page 125 No. 3058 Eliza Lynch, " "
Page 2, No. 48, Sylvester Reed, " " .

Q You say these children are all living ? A Yes sir.
Q And all the children of your wife Matilda? A. No sir two sets.
Q Were you married before you married Matilda? A. Yes sir.
Q Who to? A. Lutitia Bendridge.

Q Was she a Cherokee citizen? A. No sir, a non citizen.
Q She was your first wife? A. Yes sir.
Q Have you any children by her? A. Yes sir two.
Q Who were they? A. Rosetta and Eliza.
Q Have you any proof of marriage to Lutitia Dandridge? A. Not present.
Q You claim I believe that you are a brother of Red Lyons? A. Yes sir a half brother.
Q By the same mother? A. Yes sir.
Q What is her name? A. Nahalia Lyons
Q Formerly known as Nahalia Daniels ? A. Yes sir.
Q Is she on the roll of 1896? A. Yes sir.
Q Who was her first husband? A. Tobias Lynch, my father.
Q And after his death she married who? A. Jeff Lyons.
Q Where were these two children, Rosetta and Eliza born? A All born in the Cherokee Nation, except one who is dead, George, who is in between Rosetta and Eliza, he was born in Kansas.
Q How comes it that he was born in Kansas when his sister older than he is and his sister younger than he is were born in the Cherokee Nation? A Lutitia's mother was living in Kansas, and I had come up there to work on the railroad and left my wife down here and she was about to give birth and she wanted to be with her mother then and so I sent for her and had her brought up ther.
Q The mother of George then just went up there to be with her mother when the child was born? A. Yes sir.

By Davenport-

Q Where were you living when the war broke out ? A On grand river.
Q Where were you living when it closed? A. My best recollection is that I was in the soldiers camps at Fort Smith.
Q In the army? A. Yes sir.
Q How long have you lived in Kansas and around in the States since the war? A. Backwards and forwards all the time.
Q How much backwards and how much forwards? A. I was working up there some.
Q Wasn't you there on a little school house matter once? A. I was charged with buring a school house and was on the scout but I was up in around through Cooseneck Bend, and sometimes when it got too hot hot for me I would run into Coffeyville, but I would not stay long. I would send a runner in here to find out if things had cooled down some , and if it was I would come down and if it was not I would stay there a while longer.
Q The mother of these eldest children was not a slave of a Cherokee ? A No sir.
Q Where were you married the first time? A. On this side of Chetopa.
Q In Kansas? A. No sir in the Cherokee Nation.
Q Where were you in 1866? A. Part of the time I was in Van Buren and my brother came down there and said my mother wanted him to bring me home and he did.
Q Have you been living in the Cherokee Nation continuously ever since your first marriage? A. Yes sir.
Q Didn't you have your family in Kansas when you were scouting? A I didn't have no family then, I was single.
Q You got into this trouble about buringing the school house before you married did you? A. I didn't have no family then .

MOSE HARDRICK called and sworn by the Commissioner as a witness testified as follows for the applicant;-

Q What is your name? A. Rose Hardrick.
Q How old are you? A. 71.
Q Are you a Cherokee freedman? A. Yes sir.
Q Are you on the roll of 1880? A. No sir.
Q Do you know this applicant here? A. Yes Sir.
Q How long have you known him? A. Ever since he was ——ever since the war.
Q When was that? A. The latter part of '66 was when I first seed him.
Q Was he a slave? A. Yes sir.
Q A born slave? A. Yes sir.
Q Who did he belong to? A. Bob and Ann Daniels.
Q Were they Cherokee citizens? A. Yes sir.
Q Has he been living continuously in the Cherokee Nation ever since 1866? A. I dont know.
Q What was his mothers name? A. Mahala Daniels.
Q What was his fathers name? A. I dont know.
Q Who did his mother belong to? A. Bob and Ann Daniels.

By Davenport-

Q Where did this applicant go to during the war? A. I dont know.
Q Where was he when you saw him? A. At my parents house.
Q Where? A. On Grand river.
Q What time? A. December 66'
Q What makes you remember that it was in '66? A. Because I first saw him there and his mother said it was her son.
Q Why are you not on the roll of 1880 yourself? A. Politics I guess mostly.
Q You are on the wrong side are you? A. Yes sir I guess so.
Q You applied to the Bob Daniel's court to have your rights established didn't you? A. Yes sir.
Q And you were rejected? A. Yes sir.
Q That was five years after the war? A. Yes sir.
Q You know that it was in '70 or 71? A. No sir I dont know anything about no dates, I haint got no education.
Q But you remember '66 all right? A. Yes sir, because we was all talking about the year then, that was the year we was to come home.
Q Well you remember anyway that you went to that court to establish your rights? A. Yes sir.
Q But you dont remember the year? A. No sir.
Q How old was Wash when you that saw him there after the war? A. A good sized boy.
Q How big? A. About that high? A. ( Indicating)

ARTHUR BEAN called and sworn by the Commission as a witness for the applicant testified as follows:

Q What is your name? A. Arthur Bean.
Q How old are you? A. 58.
Q What is your post office address? A. Vinita.
Q Are you a Cherokee freedman? A. Yes sir.
Q Are you a recognized freedman on the roll of 1880? A. No sir.
Q Do you know the applicant? A. Yes sir.
Q How long have you known him? A. Before the war.
Q Was he a born slave? A. Yes sir.
Q To whom did he belong? A. Bob Daniels.
Q Was he taken out of the Cherokee Nation during the war? A. Yes sir
Q Where to? A. South.

Q When did he return? A. I dont know.

By applicant of the witness-

Q Do you remember seeing me here in the year '66? A. Yes sir I seed you here.
Q What time was it? A. Winter of '66, but I dont know when you returned.
Q Where did you see me? A. At old Dirtdaber's Prairie.

By the Commission-

Q Was he with any one there? A. With old man Griffin.
Q What relation was he to this applicant? A. His grandfather, I think.
Q How did you happen to see him there? A. I was over there and seed him.
Q You was back here then yourself? A. Yes sir.

By Davenport-

Q His mother wasn't there? A. No sir.
Q You just happened to see him there? A. Yes sir.
Q He was a small boy there by himself? A. Yes sir.
Q How big was he? A. Good sized boy?
Q Not big enough to plow? A. A good sized boy.
Q And you just saw him there that time and know this this applicant here is the same one that you saw there as a boy? A. Yes sir.

By Com'r Needles,-

George W. Lynch applies for himself, his wife Matilda and four children of his own, Rosetta, Eliza, Florence and Iola Bessie May Lynch and for one step child, Sylvester Reed. His name cannot be found on the authenticated roll of 1896 or the census roll of 1896; he is identified on the Kern Clifton and Wallace rolls; he avers that he was the slave of one Bob and Ann Daniels, and that his mother's name was Mahalia Lyons and that he is the half brother of Ned Lyons by the same mother and the said Ned Lyons is listed for enrollment on Cherokee Freedman doubtful card No. 287, and the testimony therein will be referred to and made a part of the record in the case at bar and a copy thereof will be filed herewith. The applicant avers that he was first married to Lettitia Bainbridge, a Non-citizen, but makes no satisfactory proof as to his said marriage. It will be necessary for him to file satisfactory proof of marriage to her. He avers that by said marriage he had two children, Rosetta and Eliza Lynch, and they are identified on the Kern Clifton roll . He avers that he afterwards married one Matilda Ross, his present wife and she is identified on the authenticated roll of 1896 and the census roll of 1896 as Matilda Ross her maiden name; he avers that by said marriage he has two children, Florence and Iola Bessie May Lynch; their names are not found on any rolls but he makes satisfactory proof as to their birth. He also applies for the enrollment of one step child Sylvester Reed and avers that he is the child of Matilda Ross before he married her and his name is found on the Kern Clifton roll with her. He makes satisfactory proof as to residence. Consequently the said George Washington Lynch and his two children by his first marriage, Rosetta and Eliza will be listed

for enrollment on a separate card as Cherokee freedmen, and he will be notified as to the final decision of the Commission as to their application by mail. As for the applicants Prosper wife, Matilda and her child Sylvester Reed and his six children by her, Lena and Florence and Lola Leonia Hay , they will all be listed for enrollment as Cherokee freedmen on a straight card.

. . . . . .

Chas. von Weise, being sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas von Weise

Subscribed and sworn to before me this the 28th of June, 1901 at Nowata, I. T.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1907

MEMORANDUM OF APPLICATION

# CHEROKEE FREEDMEN.

Date JUN 13 1901

Post Office Muskogee I.T.

Inquiry

1. Name George W. Lynch Age 48

Owner's name Citizenship

Year K.B. Page 123 No. 3056 District Coo

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Denied

Names of Children:

| | | | | | |
|---|---|---|---|---|---|
| 3. | Rosetta Lynch | Year K.B. | Page 123 | No. 3057 | Dist. Coo | 17 |
| 4. | Eliza J. " | Year " | Page 123 | No. 3059 | Dist. " | 16 |
| 5. | | Year | Page | No. | Dist. | |
| 6. | | Year | Page | No. | Dist. | |
| 7. | | Year | Page | No. | Dist. | |
| 8. | | Year | Page | No. | Dist. | |
| 9. | | Year | Page | No. | Dist. | |
| 10. | | Year | Page | No. | Dist. | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by Wm. I. Stenographer Chas. von Wise

/ On K.B. roll as Geo. Washington Lynch
/ " Wallace " P. 122 #25-72 — Wal.

XRef D 251

X. Ref.

wife Marian he married one Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1896 and the census roll of 1896, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant and their four children as enumerated herein will be listed for enrollment as Cherokee freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as a Cherokee Freedman upon a doubtful card, for the further consideration of the Com-

JUL 1 1907
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

To be filed with George W. Lynch Freedman Doubtful File.

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T. May 10, 1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee freedmen; Ned Lyons being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Ned Lyons
Q How old are you? A 31.
Q What is your post office address? A. Hayden.
Q What district do you live in? A. Cooweescoowee
Q Do you apply to be enrolled as Cherokee freedman? A Yes sir.
Q Did you ever apply to be enrolled as a freedman of any other tribe or nation? A. No sir.
Q Did you ever draw any money from any other tribe or nation? A. No sir
Q Who do you want to enroll besides yourself? A. My wife and family
Q How much family? A. I have got four children.
Q What is the name of your wife? A. Nancy Landrum.
Q How old is she? A. She is 28 years old, no 21.
Q Give me the names of your children, please? A Delsie.
Q How old is Delsie? A. She is 10 years old.
Q The next child? A. James Elmer.
Q How old is he? A. He is 4 years old.
Q The next child? A Mahaley.
Q How old is Mahaley? A She is 3 years old.
Q The next one? A. Katie.
Q How old is Katie? A She is a little over a year.
Q What is your wife's father's name? A. John Landrum.
Q Is he living? A. Yes sir.
Q What is your wife's mothers name? A. Mary Landrum.
Q Is she living? A. Yes sir.
Q Does your name appear upon the authenticated roll of 1880? A. No sir
Q Does the name of your wife? A. Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A It appears upon the Wallace and Clifton roll.
The 1880 authenticated roll of Cherokee freedmen examined and the applicant Ned Lyons not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.
The Kern Clifton roll examined and the applicant Ned Lyons identified thereon, page 116 No 2878, no district given.
The Wallace roll examined and the applicant identified thereon, page 160, No. 42, as Ned Lyons, residence, Cherokee Nation.
The 1880 authenticated roll of Cherokee freedmenexamined and the applicant Nancy Lyons identified thereon, page 131, No. 1690, Cooweescoowee district as Nancy Landrum.
Q Is Nancy Landrum the mother of these children? A. She is of all but one, and the oldest one's mother is Maria Landrum, of the same family
Q Is she living? A No sir, she is dead.
The 1880 authenticated roll of Cherokee freedmen examined and the name of Mariah Landrum found thereon, page 151, No. 1687, Cooweescoowee district.
Q Are John and Mary living, her father and mother? A. Yes sir.
Q Were you married before 1896 to Nancy? A. Yes sir.
The 1896 census roll of Cherokee Freedmen examined and the applicants identified thereon as follows:
Nancy Lyons on page 409, No. 298, Cooweescoowee district, as Nancy Landrum.

Delsie Lyons not on 1896 roll.
The Kern Clifton roll examined, and the applicant, Delsie Lyons, identified thereon, page 6, No. 151, Cooweescoowee district, as Delsie Lyons.
Q How long has your wife lived in the Cherokee Nation? A. All her days

Q Born and raised in the Cherokee Nation? A. Yes sir.
Q Are these children living? A. Yes sir, all living I gave you 11.I have got one dead.

By Edgar Smith,attorney for applicant:

Q Who was your father? A. Jeff Ross.
Q Who was your mother? A. Manaley Daniels before she married him.
Q Who owned your father? A Lewis Ross
Q How old are you? A. I am 51 years old.
Q Where do you live? A. I live in Cooweescoowee district near Hayden postoffice.
Q How long have you lived in Cooweescoowee district?A I have lived there about five or six years.
Q Where did you live before you lived in Cooweescoowee district? A. Lived on Grand river near Bowling Ferry,where I was born at.
Q How long have you lived in the Cherokee Nation? A. I was born here, don't know nowhere else.
Q Have you any property in the Cherokee Nation? A Yes sir, I have a couple of farms west of here in Cooweescoowee.
Q How long have you had either one of them;how long since you acquired the first one? A Since 1896; I moved from Grand river in 1896 where I lived with my first wife, I lived on my father's place then
Q You are on the Kern Clifton roll? A. Yes sir.

By W. W. Hastings, Cherokee attorney:

Q Are you on the Wallace roll? A. Yes sir.

NOTE opposite name of applicant on Wallace roll: " Though born and raised in the Cherokee Nation, no evidence that they are children of Cherokee freedmen. "

Q Have you always lived in the Cherokee Nation? A. Yes sir, always lived here.
Q Never lived out? A. Never lived out.

ALLEN LYNCH,being duly sworn by Commissioner Needles, testified as follows:

Mr Smith:

Q State your name? A. Allen Lynch.
Q Where do you live? A. I live here in Vinita now.
Q Do you know Ned Lyons? S. Yes sir.
Q How long have you known him? A I knowed him ever since he was born.
Q Who was his father? A. Jeff Lyons.
Q Did you know him in his life time? A Yes sir.
Q Do you know whether he was a Cherokee slave or not? slave of a Cherokee? A Yes sir.
Q To whom did he belong? A. Lewis Ross.
Q Was Lewis Ross a citizen of the Cherokee Nation? A Yes sir a citizen
Q Do you know what become of Ross during the war,whether he left the Cherokee Nation or remained here, Jeff Ross? A. Jeff Lyons they alled him, I don.t know.
Q What do you say about Jeff? did he leave or not? A. Yes sir .
Q When did he come back? A. He come back just before Christmas in the winter of '66.
Q Did you see him here at that time? A. Yes sir, he lived right in the yeard with us..
Q With whom? A. With me and Andy Fry and Aaron,four or five families lived there.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you on the 1880 roll? A. Yes sir.

Q Recognized by the Cherokee Nation as a citizen? A. Yes sir.
Q Have you ever had anything to do with this young man Ned Lyons in the Courts of the Cherokee Nation? A. Yes sir.
Q What? A. Why, I was appointed administrator of old man Lyons' estate for these children.
Q You were appointed administrator? A Yes sir, by Judge Ward.
Q Who was Judge Ward? A. Joe Ward.
Q What was he? A. He was the judge and he appointed me as administrator over the estate of Jeff Lyons.
Q Of the estate of Jeff Lyons? A Yes sir.
Q Who was the father of Ned Lyons? A. Yes sir.
Q When was that? A. I just can't tell you exactly the year.
Q Did you wind up the estate? A Yes sir.
Q About how long ago has that been as well as you remember?

Mr Hastings—" Comes now the representatives of the Cherokee Nation and object to pursuing this line of investigation any further, because the record in any court is certainly the best evidence. I allowed a part of it to be gone in, I didn't have any idea it would be gone into at any length. "

Commissioner: " There is no doubt but what the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be produced.
Q In what court was this; where did Judge Ward keep his court? A. Delaware district, east of Grand river.

By Hastings—

Q Al, you remember everybody that came back in '66? A No, not exactly no sir.
Q Your memory is fresh of 35 years ago, know just the exact time all colored people came to your neighborhood? A No, not the exact time, no sir.
Q You remember all these years that stand out there? A. Well, I can tell you why I remember this.
Q Why is it you remember it? A. Well, let me tell you; he came here before Christmas in '66, and in January, '67, he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece, the first I seen since the war, for going after them goods.
Q Where was Bob Daniels keeping his store; where was he? A. He was keeping his family.
Q Where was Bob Daniels living at that time? A. At his place, he came down on his place and got Jeff to go back to Kansas for these goods.
Q Where did Bob come from? A. Came from Texas
Q When did Bob come up there from Texas? A. He came up there, if I recollect right, sometime in January.
Q On what year? A. In '67.
Q And during that moth, you think it was, that Daniels hired Jeff to go back for a load of goods? A About that time he hired Jeff to go.
Q Do you know what that load of goods consisted of? A. Yes sir, it was bacon and flour and Hungarian seed.
Q Take Bob Daniels team? A. Took his own team.
Q Lyons own team? A. Yes sir
Q Did he have his wife with him when he came to your place in '66? A Had his wife and left her here and I got wood for her when he was gone.
Q Did he live there the year of '67? A Yes sir and raised a crop; he put in his corn in June, '67; he didn't get his corn planted till then.

Q On the old Dr.Thompson place? A Yes sir.
Q How many of your fellows made a crop there on that place? A. I wasn't making a crop there at all.
Q How many others of them fellows? A Andy Fry,Jeff Lyons,Moses Bedrick, Tom Moore and old uncle Butler McNair.
Q How much was in cultivation on that place? A. They cleared up about five or six acres a piece.
Q And all of them was making a crop right there? A. Yes sir.
Q And you swear positively Jeff Lyonswas there on Christmas of '66? A To my best recollection he came there before Christmas, I dont know positively.
Q You know they were there on Christmas of '66? A. They were there before Christmas,or just about Christmas, and he left from there in January and went back to Kansas.
Q He only made a trip up there and back? A. He made two trips, made one trip for Bob Daniels and one trip for himself.
Q With the exception of short trips up there and back he was down in that country from Christmas of 1866 on?A. Yes sir, that is the best of my recollection.
Q You are positive about it? A. I am telling you the best I can recollect about it.
Q I want to know if you can remember that is the year of '66 or '67? A The year of '67 to my judgment.
Q Was this child born then? A. This Med, no sir.
Q Did he have any children at all? A. Yes sir, he had a child Elias, that was a baby, and he had one girl there called Anarchy, and he had this Mike Moore, that is his step son, and this Anarchy was his stepdaughter, and the boy Elias was a baby.
Q When he came there about Christmas? A. When he came there, yes sir
Q Did he live in the house with you? A. I lived in Dr. Thompson's house and he was living in Dr. Thompson's bigger houses.
Q Some small houses around there, log houses? A. No sir, little brick houses.
Q How far was George Clark living from there at the time? A. George Clark lived between four and five miles.

Mr Smith-

Q Have you the letters of administration issued to you by that Court? A Yes sir, I think so, I think I have at home.
Q If you can find them will you bring them here tomorrow? A Yes sir.

ANDY FRY, being duly sworn by Commissioner Needles, testified as follows:

By Smith-

Q State your name? A. Andy Fry.
Q How old are you? A. 66.
Q Where do you live? A. I live southeast of Vinita about 18 miles on the Grand river.
Q Are you a freedman? A. Yes sir.
Q So recognized by the Cherokee Nation? A. Yes sir.
Q Are you on the roll of 1880? A. I guess I am, I have never looked but then I guess I am on that roll.
Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.
Q Do you know Med Lyons? A Yes sir.
Q Do you know his brother Elias? A Yes sir.
Q Do you know his sister Rachel Lyons? A Yes sir.
Q Who was his father? A. Jeff Lyons.
Q Who was their mother? A. Their mother was; I most forgot her name; I know it as well as I know any woman.
Q You dont remember her just now? A I can't remember her name just now

Q On the old Dr.Thompson place? A Yes sir.
Q How many of your fellows made a crop there on that place? A. I wasn't making a crop there at all.
Q How many others of them fellows? A Andy Fry,Jeff Lyons,Rose Rochrick, Tom Moore and old White Butler Rochrick.
Q How much was in cultivation on that place? A. They clumped up about five or six acres a piece.
Q And all of them was making a crop right there? A. Yes sir.
Q And you swear positively Jeff Lyonsvas there on Christmas of '66? A. To my best recollection he came there before Christmas, I dont know positively.
Q You know they were there on Christmas of '66? A. They were there on before Christmas,or just about Christmas, and he left from there in January and went back to Kansas.
Q He only made a trip up there and back? A. He made two trips, made one trip for Bob Daniels and one trip for himself.
Q With the exception of short trips up there and back he was down in that country from Christmas of 1866 on?A. Yes sir, that is the best of my recollection.
Q You are positive about it? A. I am telling you the best I can recollect about it.
Q I want to know if you can remember that is the year of '66 or '67? A The year of '67 to my judgment.
Q Was this child born then? A. This Red, no sir.
Q Did he have any children at all? A. Yes sir, he had a child Elias, that was a baby, and he had one girl there called Anarcky, and he had this Mike Moore, that is his step son, and this Anarcky was his stepdaughter, and the boy Elias was a baby.
Q When he came there about Christmas? A. When he came there, yes sir
Q Did he live in the house with you? A. I lived in Dr. Thompson's house and he was living in Dr. Thompson's Bigger houses.
Q Some small houses around there, log houses? A. No sir, little brick houses.
Q How far was George Clark living from there at the time? A. George Clark lived between four and five miles.

Mr Smith-

Q Have you the letters of administration issued to you by that Court? A Yes sir. I think so, I think I have at home.
Q If you can find them will you bring them here tomorrow? A Yes sir.

ANDY FRY, being duly sworn by Commissioner Needles, testified as follows:

By Smith-

Q State your name? A. Andy Fry.
Q How old are you? A. 66.
Q Where do you live? A. I live southeast of Vinita about 18 miles on the Grand river.
Q Are you a freedman? A. Yes sir.
Q So recognized by the Cherokee Nation? A. Yes sir.
Q Are you on the roll of 1880? A. I guess I am, I have never looked but then I guess I am on that roll.
Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.
Q Do you know Red Lyons? A Yes sir.
Q Do you know his brother Elias? A Yes sir.
Q Do you know his sister Rachel Lyons? A Yes sir.
Q Who was his father? A. Jeff Lyons.
Q Who was their mother? A. Their mother was: I most forgot her name; I know it as well as I know my woman.
Q You dont remember her just now? A I can't remember her name just now

But I know her just as well as anybody.
Q Did you know Jeff Lyons in his life time? A. Yes sir.
Q Where did he live when the war came up? A. He lived with Dr. Ross.
Q Was he a slave of some Cherokee?A. Yes sir.
Q Of who? A. He went from Lewis Ross to Mr Ross and lived with Dr.Ross
Q Were the Rosses Cherokee citizens? A. Yes sir.
Q Do you know what became of Lyons during the war,whether he went out of the Cherokee Nation or not? A. Yes sir, he went up north.
Q Do you know when he came back? A. He came back in '66,the winter of 66.
Q About where did he come to? A. He came up on Russel creek and stopped up there a while and he heard of me being over on the other side of the river and he came to the river and hollered over and when I went to the river it was Lyons, a man I had knowed.
Q Was that before or after Christmas in '66? A. It was before Christmas
Q This boy Ed Lyons, do you know where he was born? A. Yes sir, I know where he was born.
Q Where was he born? A. Born there at Dr. Thompson.s place
Q Do you know of your own knowledge where his brother Elias was born? A He was born at Iola Kansas.
Q Do you know where Rachel was born? A. She was born this side of the river, right below Dr. Thompson's place.
Q Was she born before or after the war? A. Rachel was born since the war
Q Was Elias born before or after or during the war? A. He was born about during of the war or just about the close of the war.
Q Where have these three children of Lyons been living since you first knew them? A Well, they lived near the river there all the while the old man lived, and one of them moved out west, I think one of them is living over there now, I think maybe a couple of them.
Q In or out of the Cherokee Nation? A. No, they have been living in the Cherokee Nation all the time.

By Hastings—

Q What place on Russel creek did Jeff Lyons first come to? A. He staid up there this side of Chetopa.
Q Did he live there a whaile? A Yes sir he staid up there a while in camps.
Q Who with? A. In camps up there by himself, just him and his family.
Q Do you know how far from Chetopa? A No sir, it was there on Russell creek somewhere, around there towards that old timbered hill somewhere.
Q You dont know how long he staid there? A. I think he told me he staid up there about three weeks.
Q And he went from there to Cabbin creek? A Yes sir, and he was there in camps about three weeks.
Q In tents? A Yes sir in tents.
Q Anybody live up on Cabbin creek where he was camping? A Wasn't anybody at all there at the time.
Q Came on down to your place then? A. Yes sir.
Q You were on the other side of the river? A. Yes sir.
Q You helped him across? A. Yes sir.
Q Did he make a crop with you the next year, the year of '67? A Yes sir
Q Was Jess Cochran living there that year? A. Jess Cochran was living there but he moved out on Cabbin creek.
Q George Clark was living down there? A. He was living down on the other side of the river somewhere, but I never seen George Clark till '67.
Q How many colored people made crops on that one place that year? A There was me and Jeff and Tom Moore and Butler McNair, and Moses Hodrick.
Q Now you know Moses Hodrick didn't come there for two years,don't you? A He came there and made a crop there.
Q That year? A. He came and made a cropt in '67.
Q They had Jeff cited down at Tahlequah to appear before Ben Daniels

Court, didn't they? A. I dont know sir.
Q This same Bob Daniels you heard Alley Lynch testifying about? A Yes sir.
Q And Bob Daniels was the Chelf Justice of that Court down there? A. Yes sir.
Q In '71? A. Yes sir.
Q And you know Jeff Lyons and his family were cited down there and Jeff did go down there to Tahlequah in '71? A I dont know whether he did or not.
Q I ask you if he went to Tahlequah? A. I dont know whether he did or not; I was living on this side of the river.

Mr Smith- 'I object to this testimony without the production of the records.'

Q Did he go to Tahlequah? A. I don't know sir, I never paid any attention to them court cases, I was recognized by the Cherokee Nation at that time and never paid no attention to it.
Q You never paid any attnetion to '71 but you did to '66? A In '66I was all right myself and I didn't pay no attention to that myself.
Q You were not a witness at Tahlequah in '71? A. No sir, if I had been called on I would have went, but nobody didn't callon me.
Q Do you know any other Jefferson Lyons among the colored people? A No sir.
Q You are pretty well acquainted among them? A. Yes sir, I am pretty well acquainted among them.
Q This Bob daniels that lived out here was the same Bob Daniels, a member of that Court at that time? A. Yes sir.

Mr Smith-

Q Do you know anything of your own personal knowledge as to whether Jeff Ross estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No sir, I dont know for certain but I heard so, I can't swear it for certain, I heard it was.

ANDERSON LYNCH, being duly sworn by Commissioner Needles, testified as follows:

Mr Smith-

Q What is your name? A. Anderson Lynch.
Q How old are you? A. About 64 I think, as near as I knows.
Q What is your post office? A. Here at Vinita.
Q Are you sometimes called Crap or Crep Lynch? A Yes sir.
Q But that is not right, it is Anderson? A Anderson, yes sir.
Q Do you know his sister Rachel? A. Yes sir.
Q Is her name Rachel Lyons, or is she married? A She was named Rachel Lyons when I knew her, she had married a Landrum.
Q Her name is Rachel Landrum then is it? ( No answer )
Q Do you know Ded Lyons brother Elias? A. Yes sir.
Q Did you know their father? A. Yes sir.
Q Who was their father? A. Jeff Lyons.
Q Was he a slave during the war? A. Yes sir.
Q Who did he belong to? A He belonged to Lewis Ross when I knew him
Q Was Lewis Ross a Cherokee and a citizen of the Nation? A Yes sir.
Q Do you know what became of Jeff Lyons during the war, whether he staid in the Cherokee Nation or went out? A. He went out, went to Kansas
Q Do you know whether he ever came back or not? A. Yes sir I saw him back here.
Q When did you first see him back? A It was in—it was along in the fall of '66 as well as I can remember about it, it was along in the winter, Idont know just exactly what time it was.
Q Where have these three children, Ned, Elias and Rachel lived? A. They lived over there just below the Dr. Thompson place, at the farm over

Witness.
Q In the Cherokee Nation? A. Yes Sir.
Q Lived there all their lives? A. Yes sir,as was told not long ago I heard of some of them going out west.
Q Where did they go when they went out west? as far as Grand River?
A Oh yes, or maybe a little further, somewhere out on the creeks
Q Did they still stay in the Cherokee Nation or did they go out? A I am they werein the Cherokee Nation out there.
Q Do you know when Jeff Lyons died? A Yes sir, I was over there directly after he died, but I dont remember just when.
Q Where did he die? A. Right on his place at home.
Q About how many years ago? A. I disremember, I never kept track of it.
Q Do you know whether his estate was administered on in the Cherokee Courts or not? A No sir, I dont know whether he was or not,whether he ever went down there.

Mr Hastings-

Q Did he die less than 20 years ago Crap! Jeff Lyons die less than 20 years ago or more than 20 years ago? A I dont think it has been quite that long.
Q You saw him in '66? A. Yes sir, along there in the winter of '66.
Q You dont know one year from another,do you? A. Yes I know.
Q What year is this? A. This, I don't just know what, I never kept track of the years,but '66 is all I know.
Q You have just been told it was '66 and you stuck to it? A Well '66 we were all on trial at that time pretty much, in '66 every body was making back home.
Q You were all tried here before the Kern Clifton Commission, everybody? A. Well a good many of them.
Q What year was that in? A. You are too hard for it, I never kept track of the years.
Q Fact of the business is you never kept track of any of them? A Not hardly, never paid much attention to it, went along on my business
Q Who told you to say '66 here today? A Nobody, but I know what '66 was years ago.
Q How many years ago was it? A I disremember I didn't keep track of it
Q You can't count? A. No sir, cant count.
Q And dont know anything about the years of the calendar? A Dont know a think about it.
Q You remember about Jeff Lyons having his case tried down at Tahlequah a few years after the war when Mr. Bob Daniels was on the Court? A. I dont know whether he went ever there or not.
Q You dont remember about that? A. No sir, it seems like to ,e a lot of them went down there, but I dont know whether he was along there or not.
Q Weren't you over there in the same neighborhood around him? A I lived on Lynch's Prairie and they lived back on Dr. Thompson's place
Q Where did you live in the first year after the war? did you make a farm on this Dr. Thompson place? A. No sir, no sir, I lived on the old Lynch place, me and Len Lynch and Stephen Henry rented from Len Lynch and uncle Bill Buffington,he lived over there by the Mills on Beatty's Prairie, I expect you know him.

Mr Smith-

Q When did you come back, or did you go out during the war? A Yes sir I went out.
Q When did you come back? A. I can't back along in '66, the winter of '65.
Q What was there about '66 that you are talking about all these being on trial, what do you mean by that? A Well there was everybody that was reading the appears out there that we had all better return home, that we had a show to get home, the was was ceased and so on.
Q When were you to get home,or did they read anything to you in the

papers about that? A. Yes sir they said we wanted to return home inside of '66.
Q And that is the reason why you remember '66? A. Yes sir

Mr Hastings-

Q That is before you came here, when you were up in Kansas that they were reading that to you? A Yes sir, I first got hearing of it in Kansas.
Q You heard them saying that up there, reading it in the papers telling you to come home? A. Yes sir, that we all got to return home.
Q That was '66? A. No it wasn't '66, must have been along in '68 when they were reading it.
Q They were reading it in '65 before you returned, before you had come back in '65? A They just said return back home, the treaty wasn't made then.
Q Then they wasn't reading if it hadn't been made? A. They were reading for us to come back home, that the treaty was ceased.
Q If you come back in a certain time? A Yes sir, a certain time.
Q That was in '65 before you came back here; you came here in '65? A Yes sir long in the winter of '65.
Q Have you ever been up before the Courts for anything? A What Courts?
Q Any of them? ever have you arrested? A No sir.
Q Never did? A. Yes, I have been arrested.
Q For what? A. I was accused of murder once.
Q Ever arrested for anything else? A. No nothing else.
Q Marshals or officers never had you any other time? A. No sir.

Mr Hastings:
" Mr. Smith, I want to offer in evidence this judgment.

Mr Smith: (read same ) You can offer it, of course I object to it.

Mr.Hastings:
" The representatives of the Cherokee Nation offer in testimony from pages 62 to pages 65 of Minutes of Special Court of Commission, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 in found: " Monday morning, June 5, 1871. Court met; Chief Justice R. B. Daniels and Associate Redbird Sixkiller present. There being no cases ready for trial, Court adjourned ill nine oclock to-morrow morning. Tuesday morning, June 6th 1871. " On this date, and on page 65 of the same book, appears the following: " Case of Jefferson Lyons and family. The Court decide from evidence they are debarred the rights of Cherokee citizenship under the Ninth Article of the Cherokee Treaty of July, 1866.

Mr Smith:
" Counsel for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any way identified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said entry to have been a party to the proceedings now offered. "

Commissioner: " I suppose you acknowledge the authenticity of the record.

Mr Smith: " I don't make any question about that.

Commissioner: Ned Lyons applies for the enrollment of himself, his wife Nancy, and four children, Delsie, James E., Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased, and that by said marriage he had one child Delsie, and the name of Mariah Landrum is found upon the authenticated roll of 1880, and the name of Delsie is found upon the Kern Clifton roll. He avers that after the death of his

wife Mariah he married one Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1880 and the census roll of 1880, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant and their four children as enumerated herein will be listed for enrollment as Cherokee freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as a Cherokee freedman upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail. His name is found as stated upon the Kern Clifton roll, as well as upon the Wallace roll, and he is duly identified thereby.

* * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof

(signed ) Bruce C. Jones.

Subscribed and sworn before me this the 15th of May, 1901.

(signed) T. B. Maddox

Commissioner.

---

I, Chas. von Weise, upon my oath state that the above and foregoing is a full and correct ~~transcript~~ copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 18th of July, 1901.

Commissioner.

[illegible] of [illegible] [illegible] [illegible]

To be filed in the application of George T. Lynch, C. T. S. [illegible].

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Supplemental Ned Lyons B-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.
In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.
In the matter of the application of Allen Lyons for [illegible] Cherokee Freedman.

Supplemental Testimony.

Both applicant and the Cherokee Nation present by their attorneys of record.

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Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith-

Q What is your name? A. Allen Lynch.
Q You testified here yesterday in the case of Ned Lyons, did you? A Yes sir.
Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that paper ( hands witness paper ) A I think this is what you want
Q Look at this paper ( hands witness paper) A I can't read that writing.
Q Where did you get these papers? A. I got some of them from Joe Ward.
Q Who was Joe Ward? A. He was the Judge.
Q Judge of what? A. Judge of Delaware district, District Judge.
Q In the Cherokee Nation? A. Yes sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr Smith: Now if the Court please, I desire to offer letters of Administration issued on the first day of October, 1888, by J. L. Ward Judge of the District Court of the Delaware district of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commisioner: It will be filed.

Mr. Smith:

Q Mr. Lynch, was the Jeff Lyons whose estate you testified that you administered, related to Ned Lyons in whose case you testified yesterday? A. His father.

Mr. ~~Hastings~~ Smith: I desire to offer the report of Allen Lynch as administrator of the estate of Jeff Lyons, which is approved——
Mr Hastings: The report will show for itself: don't give the contents in the filing.

Mr. Smith: I just submit it then.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to what purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that this witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are lost; and lastly, that the record is the best testimony and this does not purport to be a copy of the record.
Mr. Hastings: I dont see how there can be any excuse for offering that last, because he don't claim to be the custodian of that, and it is just a fly leaf with marking on it.
Mr. Smith: I am not offering all my proof at this time, I will come to that later.
Mr. Hastings: I mean this, and I think that ought not to be allowed filed.
Mr Smith: I will prove before I get through with it that that report was approved by T. M. Buffington, Judge, in the matter of the administration of the estate of this applicants father, and it is not a certified copy because it is the original and signed by T. M. Buffington.
Mr Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by J. L. Ward, District Judge.
COMMISSIONER: Is there any contention that this man here was the administrator?
MR. SMITH: They objected yesterday on the ground that his statement was not the best evidence of the fact.
MR. Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under day of May 7, 1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the official records.
Mr Smith: Now I desire to offer a decission of the Indian Agent, Leo, E. Bennett, located at Union Agency, dated Muskogee, June 15, 1889, in a matter pertaining to the administration of the estate of Jeff Lyons.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E. Bennett, United States Indian Agent, has no relevency whatever in the matter in controversy.
Mr. Smith-
Q Do you recollect, Mr. Lynch with regard to the report of your expenses which I showe you, as to whether Mr. Buffington signed that; can you state whether he signed it or not, or do you remember?
Mr. Hastings: Objected to by the representatives of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same'
Mr Smith: If the Court pleases, this is the record itself; it hasn't been lost because we have it right here.
COMMISSIONER: Well he ought not to be custodian of the records.
Mr Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.
COMMISSIONER: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator: they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation, has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's county. Well, let the testimony go in for what it is worth.
Mr Smith: I would like to prove— I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffingtons signature. (To Mr Hastings ) You will admit this is T. M. Buffingtons signature; of course you are both familiar with it.
Mr. Hastings: I think it is; that is his name anyway.

No.

Mrs. Hastings ( to witness ) The mother of Red Lynne and Ellen and another child, who are grown children, died before 1896, didn't she?
A. I don't remember exactly. She did, my pal.
Q. You know she died? A. Yes, sir, she died.
Q. Jeff Lynne married a citizen a second time. Is recognized citizen?
A. Let me see, I don't remember he married the last time to the woman, the mother of these children died.
Q. You don't know whether his second wife was a recognized citizen? Didn't she? A. Yes, sir, I guess so.
Q. Did she die before Jeff did, his second wife? A. I forget whether he married any more or not; he was a widower when he died.

* * * * *

Bruce G. Jones, being duly sworn, says that as stenographer to the Commision to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

( signed ) Bruce G. Jones

Sworn to and subscribed before me this the 14th of May, 1901.

T. B. Needles

Commissioner.

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I, Chas. von Weise, being sworn upon my oath state that the above is a full and correct copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

Commissioner.

FILED
1 1901

F. B. Hagner

To be filed in the application of George W. Lynch C. R. D. [illegible]

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# S U P P L E M E N T A L  T E S T I M O N Y

F. B. [illegible].
F. D. [illegible].
F. B. [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 20th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NED LYONS, D [illegible], Elias Lyons, D, [illegible], and Rachel Landrum, D [illegible]. as Cherokee freedmen:

APPEARANCES:

Mr. Smith, of firm of Mellette & Smith, Attorneys for applicants:
Mr W. W. Hastings for the Cherokee Nation.

MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in the case of Altha and Oscar Moore, D [illegible]57, showing that Jefferson Lyons presented a ~~written~~ petition and was granted a license to marry ~~on the 12th day of Feb~~ Lou Esa Buffington by R. T. Carey, Clerk of Delaware district on the 13th day of February, 1879.

MR. SMITH- Applicants object to the introduction of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

ALLEN LYNCH, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner T. B. Needles, testified as follows

Q Your name is Allen Lynch? A. Yes sir.
Q Post office? A Vinita.
Q What district do you live in? A. In Delaware.
Q Are you a recognized Freedman of the Cherokee Nation? A. Yes sir.

By W. W. Hastings-

Q Did you know Jefferson Lyons during his life time? A. Yes sir.
Q He was the father of Elias? A Yes sir.
Q Ned? A. Yes sir.
Q And Rachel Landrum? A. Yes sir.
Q Now, do you know when the mother of these three children I have just called died? A Well about, yes sir.
Q Well, about when? A. I dont know whether I could tell you just ~~the~~ exactly the time.
Q Well before '79? A ( No response )
Q Who was Jeff Lyon's last wife? A. You asked me that question before but I forgot; his last wife was Lou Esa Buffington, but I had forgot ten it when you asked my before.
Q And he married her about '89? A Somewhere along there.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed ) J. O. Rosson.

Subscribed and sworn to before me this 21st day of May, 1901.

[illegible]

[illegible]

I, [illegible], the [illegible] [illegible] do hereby certify that the foregoing is a full and correct copy of the original [illegible].

[illegible]

Subscribed and sworn to before me this 1st day of July, 1[illegible].

[illegible]

[illegible]

[illegible]

[illegible] 1901.

[illegible]

[illegible]

[illegible]

To be filed in the application of George F. Lynch, A. F. No 781

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# S U P P L E M E N T A L  T E S T I M O N Y .

F. N. 781

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 18th 1901

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of RED LYONS as a Cherokee freedman.

G. W. CLARK, being called as a witness on the part of the Cherokee Nation and being duly sworn by Commissioner, B. S. Rennie, testified as follows:

APPEARANCES:
Messrs Mallette & Smith, for Applicant.
Mr. W. F. Hastings, for Cherokee Nation.

By Mr Hastings:

Q What is your name? A. G. W. CLARK.
Q What is your age? A. 58 coming birthday.
Q Mr. Clark, you lived in the Cherokee Nation before the war, did you? A Yes sir, all my life.
Q You went out of the Nation did you during the war? A. Oh, I was occasionally in Arkansas, on the Arkansas line.
Q You were in the army? A. Yes sir, in and out of it
Q In the Northern army? A Yes sir.
Q Where were you mustered out? A. Mustered out Fort Gibson.
Q Now, where did you live the first year after the war, 1865? A I moved on the river; I lived here, my early days I lived at Tahlequah, Tahlequah district.
Q In '66 where did you live? A The latter part of 1865; I went back there after I was married; I was married in Saline district, on Grand river, on the 8th day of June, and I moved up here and located on the west side of Grand river.
Q And where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '66 and left that place in the fall of '68.
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Rose? A. Yes sir.
Q Did he have a son by the name of Red? A Yes sir.
Q And another son by the name of Elias? A. Yes sir.
Q When did you first see him after the war? A. '66.
Q How far did he stay from you? A. He staid about two miles, two or three down on the river, about three miles.
Q Did you know him well? A Yes sir, well acquainted with old Jeff.
Q Did you ever hire him? A Yes sir, stacked wheat for me for years.
Q You know when he came back then? A. He came back in the spring of '66, because he stacked wheat for me that year, and he was talking about coming back.
Q You lived there for some years afterwards? A. Yes sir.
Q You know him well? A. Yes sir.
Q He is dead now I believe, isn't he? A. Yes sir.

By Mr. Smith:

Q About how old is Red, about now? A. Well, I dont know, he ought to be a young man now, pretty good sized, he was a boy like than.
Q Well, how big a boy was he in '66? A Well they was a small chunk of a boy; I have been to his house, mean there a many of a time and got him to work.
Q Which is the older Red or Elias? A I dont know; I dont know as I

know Elias.
Q Did he have any girls? A I think he had.
Q How many? A. I disremember,I know he had one;I dont know how many children he did have.
Q Well, cant you remember,you knew the family,how many members there were;cant you remember how many girls and boys there were? A I think there were four or five children.
Q You think there were more than three? A. Yes sir.
Q You are not certain about that? A. No sir, I am not certain how many his family got to be.
Q He lived close to you and worked for you; what is the reason you cant remember about how many he had? A.I never mixed up with them;I just came to hire Jeff I never went there and fixed up with them;just you do at my place I never noticed.
Q All you say about this is you cant tell which one is the biggest?
A I dont know whether I could or not.
Q Cant you think which is the oldest,Ned or Elias? A No sir,I dont believe I could,that is long off.
Q Well, you know all about exactly what you did? A. Not everything I do
Q I am not going to ask you now about what you do; you keep up with your moves,you know the dates that you made them and all about them afterwards? A No sir, I dont know he exact dates
Q With regard to your own business; you know about in regard to other peoples; you dont remember that far back? A. No sir.
Q It is right hard to remember what other people were doing 35 or 36 years ago? A. Yes sir,it is a pretty long swear anyway;but I remember this old gentleman as much as anything else;me and him trafficed together;he brought a good mule with him down there and I swapped him a cow and kind a swindled him.
Q How much do you think you got away with him on that? A I dont know
Q Well,now, Judge,if anything you may have heard about Jeff Lyons coming back after the war; you dontknow when he came back? A Yes sir, I know he came back to the neighborhood and he said.
Q Well, outside of what he said, you dont know when he came back to the Cherokee Nation ? A No sir.
Q You say him first in 1868? A Yes sir.
Q You cant say of your personal knowledge how long Jefferson Lyons had been back in the Cherokee Nation at the time you saw him in '68 can you? A. I dont know exactly how to answer that.
Q You know what your personal knowledge is confined to? A Well it is just like you, Mr. Smith, I know when you came to Vinita,if you lived anywhere around Vinita, before that , I dont know.

Bye Mr. Hastings:

Q Now,Mr. Clark. I was going to ask you if you were telling the members of his family,while he lived there at his place? A What?
Q You were asked about the members of Jeff Lyons' family while he was living there? A Yes sir.
Q You remember how many of them were born before they came down there and remember how many were born afterwards? A. No sir,
Q You dont remember how many he had when he came there? A No sir, I d ont.

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J. O. Rosson,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case,and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed ) J. O. Rosson

Subscribed and sworn to before me this 26th day of June,1901.

(signed) T. B. Needles
COMMISSIONER

I, [illegible], hereby certify that the foregoing is a true and complete [illegible] copy of the original [illegible].

(Certified)

Subscribed and sworn to before me this the 30th of July, 1951.

[illegible]

Commissioner.

RECEIVED
JUN 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. June 12th 1901.

In the matter of the application of George W. Lynch for the enrollment of himself, his wife and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows: ( one of the children being a step child )

Q What is your name? A. George W. Lynch.
Q How old are you? A. 46.
Q What is your post office address? A. Vinita.
Q In what district do you live in? A. Goweesoowee.
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My wife and five children.
Q What is the name of your wife? A. Matilda.
Q How old is she? A. 36.
Q What are the names of your children? A. Mississippi Rosetta Lynch
Q How old is she? A. 17 years.
Q The next one? A. Eliza Lynch
Q How old is she? A. 16 years.
Q The next one? A. Sylvester Reed.
Q How old? A. 12 years.
Q Next? A. Florence Lynch.
Q How old is she? A. 7 years.
Q Next? A. Iola Bessie May Lynch.
Q How old? A. 5 years.
Q Are these children all living? A. Yes sir.
Q And all named Lynch? A. All but Sylvester, he is a step child and is named Reed.
Q Is your name on the roll of 1880? A. I dont know as it is.
Q Is it on any of the rolls? A. Yes sir two of them.

The Kern Clifton roll examined and the applicant found as follows Page 123 No. 356, Geo. Washington Lynch, Goweesoowee dist.

Wallace Roll examined and the applicant found as follows: Page 122 No. 2572, George W. Lynch, Delaware district.

Q What was your wifes father's name? A. Frank Ross.
Q Is he living? A. Yes sir.
Q What was her mothers name? A. Matilda Ross.
Q Is she living? A. Dead sir.

The authenticated 1880 roll of the Cherokee Nation examined and the name of the applicant's wife's mother found therein as follows Page 168 No. 3495, Matilda Ross Goweesoowee district.

The applicant's wife not found on the census roll of 1896.

The applicant himself not found on the 1880 or 1896 rolls.

The Kern Clifton roll examined and the applicant's wife and children found therein as follows:
Page 2, No. 47, Matilda Ross ( Now Reed ) Goweesoowee dist.
Page 125, No. 3557 Rosetta Lynch, Goweesoowee district.
Page 125 No. 3558 Eliza Lynch, " "
Page 2, No. 48, Sylvester Reed, " "

Q You say these children are all living? A. Yes sir.
Q And all the children of your wife Matilda? A. No sir two sets.
Q Were you married before you married Matilda? A. Yes sir.
Q Who to? A. Lethisia Bowbridge.

Q Was she a Cherokee citizen? A. No sir, a non citizen.
Q Who was your first wife? A. Yes sir.
Q Have you any children by her? A. Yes sir two.
Q Who were they? A. Rosetta and Eliza.
Q Have you any proof of marriage to Letitia Dendridge? A. Not present.
Q You claim I believe that you are a brother of Ned Lyons? A. Yes sir a half brother.
Q By the same mother? A. Yes sir.
Q What is her name? A. Rachelle Lyons
Q Formerly known as Rahalia Daniels ? A. Yes sir.
Q Is she on the roll of 1880? A. Yes sir.
Q Who was her first husband? A. Tobias Lynch, my father.
Q And after his death she married who? A. Jeff Lyons.
Q Where were these two children, Rosetta and Eliza born? A All born in the Cherokee Nation, except one who is dead, George, who is in between Rosetta and Eliza, he was born in Kansas.
Q How comes it that he was born in Kansas when his sister older than he is and his sister younger than he is were born in the Cherokee Nation? A Letitia's mother was living in Kansas, and I had come up there to work on the railroad and left my wife down here and she was about to give birth and she wanted to be with her mother then and so I sent for her and had her brought up thar.
Q The mother of George then just went up there to be with her mother when the child was born? A. Yes sir.

By Davenport-

Q Where were you living when the war broke out ? A On grand river.
Q Where were you living when it closed? A. My best recollection is that I was in the soldiers camps at Fort Smith.
Q In the army? A. Yes sir.
Q How long have you lived in Kansas and around in the States since the war? A. Backwards and forwards all the time.
Q How much backwards and how much forwards? A. I was working up there some.
Q Wasn't you there on a little school house matter once? A. I was charged with buring a school house and was on the scout but I was up in around through Cocoansock Bend, and sometimes when it got too hot hot for me I would run into Coffeyville, but I would not stay long, I would send a runner in here to find out if things had cooled down some , and if it was I would come down and if it was not I would stay there a while longer.
Q The mother of these ~~tank~~ oldest children was not a slave of a Cherokee ? A No sir.
Q Where were you married the first time? A. On this side of Chetopa.
Q In Kansas? A. No sir in the Cherokee Nation. -
Q Where were you in 1880? A. Part of the time I was in Van Buren and my brother came down there and said my mother wanted him to bring me home and he did.
Q Have you been living in the Cherokee Nation continuously ever since your first marriage? A. Yes sir.
Q Didn't you have your family in Kansas when you were scouting? A I didn't have no family then, I was single.
Q You got into this trouble about buringing the school house before you married did you? A. I didn't have no family then .

MOSE HARDRICK called and sworn by the Commissioner as a witness testified as follows for the applicant;

Q What is your name? A. Grant Daniels.
Q How old are you? A. 24.
Q Are you a Chargoes freedman? A. Yes sir.
Q Are you on the roll of 1866? A. No sir.
Q Do you know this applicant here? A. Yes sir.
Q How long have you known him? A. Ever since he was ---- over since the war.
Q When was that? A. The latter part of the war when I first met him.
Q Was he a slave? A. Yes sir.
Q A born slave? A. Yes sir.
Q Who did he belong to? A. Bob and Ann Daniels.
Q Were they Chargoes citizens? A. Yes sir.
Q Has he been living continuously in the Chargoes Nation ever since 1866? I don't know.
Q What was his mothers name? A. Rebecca Daniels.
Q What was his fathers name? A. I don't know.
Q Who did his mother belong to? A. Bob and Ann Daniels.

By Davenport.

Q Where did this applicant go to during the war? A. I don't know.
Q Where was he when you saw him? A. At my parents home.
Q Where? A. On Grand river.
Q What time? A. December 64.
Q What makes you remember that it was in '64? A. Because I first met him there, and his mother said it was his son.
Q Why did you not on the roll of 1896 yourself? A. Petition & proof neglect.
Q Who was at the wrong, did you or you? A. I did sir I guess so.
Q You applied to the Dawes Commission, didn't your Mother or children didn't you? A. Yes sir.
Q And you were enrolled? A. Yes sir.
Q That was five years after the war? A. Yes sir.
Q You know that it was an act of 1896? A. No sir I dont know anything about no dates. I didn't get no education.
Q But you remember the war? A. Yes sir, because we was all living about the river then, but and the time we was to come home.
Q Well you remember anyway that you went by that court to establish your rights? A. Yes sir.
Q But you don't remember the year? A. No sir.
Q How old were you when you first saw him there after the war? A. A good child boy.
Q How old? A. About that high? A. ( Indicating)

[illegible] was called and sworn by his Commission as a witness for the applicant herein on oath:

Q What is your name? A. Arthur Dean.
Q How old are you? A. [illegible]
Q What is your [illegible]? A. Indian.
Q Are you a Chargoes citizen? A. Yes sir.
Q Are you on the roll of 1867? A. No sir.
Q Do you know the applicant? A. Yes sir.
Q How long have you known him? A. Before you was.
Q Do you know where? A. Yes sir.
Q Who did he belong? A. Bob Daniels.
Q Was he taken out of the Chargoes Nation during the war? A. Yes sir
Q Where to? A. Black.

Q When did he return? A. I dont know.

By applicant of the witness-

Q Do you remember seeing me here in the year '96? A. Yes sir I seed you here.
Q That time was it? A. Winter of '96, but I dont know when you returned.
Q Where did you see me? A. At old Mirtenter's Prairie.

By the Commission-

Q Was he with any one there? A. With old man Griffin.
Q What relation was he to this applicant? A. His grandfather, I think.
Q How did you happen to see him there? A. I was over there and seed him.
Q You was back here then yourself? A. Yes sir.

By Davenport-

Q His mother wasn't there? A. No sir.
Q You just happened to see him there? A. Yes sir.
Q He was a small boy there by himself? A. Yes sir.
Q How big was he? A. Good sized boy?
Q Not big enough to plow? A. A good sized boy.
Q And you just saw him there that time and know this this applicant here is the same one that you saw there as a boy? A. Yes sir.

By Com'r Needles,-

George W. Lynch applies for himself, his wife Matilda and four children of his own, Rosetta, Eliza, Florence and Iola Bessie May Lynch and for one step child, Sylvester Reed. His name cannot be found on the authenticated roll of 1880 or the census roll of 1896; he is identified on the Kern Clifton and Wallace rolls; he avers that he was the slave of one Bob and Ann Daniels, and that his mother's name was Nahalia Lyons and that he is the half brother of Ned Lyons by the same mother and the said Ned Lyons is listed for enrollment on Cherokee Freedman doubtful card No. 857, and the testimony therein will be referred to and made a part of the record in the case at bar and a copy thereof will be filed herewith. The applicant avers that he was first married to Lutitia Banderidge, a non-citizen, but makes no satisfactory proof as to his said marriage It will be necessary for him to file satisfactory proof of marriage to her. He avers that by said marriage he had two children, Rosetta and Eliza Lynch, and they are identified on the Kern Clifton roll . He avers that he afterwards married one Matilda Ross, his present wife and she is identified on the authenticated roll of 1880 and the census roll of 1896 as Matilda Ross her maiden name; he avers that by said marriage he has two children, Florence and Iola Bessie May Lynch; their names are not found on any rolls but he makes satisfactory proof as to their births. He also applies for the enrollment of one step child Sylvester Reed and avers that he is the child of Matilda Ross before he married her and his name is found on the Kern Clifton roll with her. He makes satisfactory proof as to residence. Consequently the said George Washington Lynch and his two children by his first marriage, Rosetta and Eliza will be listed

for enrollment as a Mississippi Choctaw Freedman, and he will be notified as to the final decision of the Commission on his application by mail. As for the applicants proposed wife, Wallace and next child Sylvester Reed and his two children by her, Zeta and Florence Reed Lois Reeves May , they will all be listed for enrollment as Choctaw Freedmen on a minutes card.

• • • • • • • • • • • • • • •

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 28th of June, 1901 at Nowata, I. T.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. July, 16 1901.

Supplemental testimony in the case of George W. Lynch C.F.B. Vol.

Applicant and Chickasaw representative both present.

JOSH VANN called and sworn as a witness by Commissioner T. B. Needles testified as follows for the applicant.

Q What is your name? A. Josh Vann
Q What is your age? A. 48 or 49
Q What is your post office address? A. Ketchum
Q Do you know George W. Lynch? A. Yes sir.
Q Do you know his first wife, Letitia? A Yes sir.
Q What was her maiden name? A. I understood her name was Dundridge.
Q Do you know that this applicant and she was married? A. They lived together and I seed the marriage certificate.
Q Who married them? A. I dont remember.
Q How did you happen to see the certificate? A I staid with his house
Q Where is it now? A. She has it I guess.
Q Is she living? A. I guess so.
Q Did they separate? A. Yes sir.
Q Did they have any children? A. Yes sir two.
Q What were their names? A. The eldest one I dont remember, the youngest one was Eliza.
Q And you know Letitia was the mother of those children? A. Yes sir
Q Were they recognized in the neighborhood as man and wife? A. Yes sir
Q Were they living together as such when these children were born? A Yes sir.

By Hastings-

Q Was she married before? A. I dont know.
Q Was he? A. Not to my knowledge.
Q Did either of that have any children before they married? A. I dont think they did, she was a half sister to my wife.
Q How did her name happen to be Brown? A. She married a man named B Brown after she separated from this man.

* * * - - - * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the foregoing case and that the above is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me the 16th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 28, 1904.

Cherokee Freedmen D-721.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE W. LYNCH ET AL., as Cherokee Freedmen.

It appears that on August 25, 1904, the applicant and the attorneys for the Cherokee Nation were notified that the applicant would be permitted to appear before the Commission on September 22, 1904, and introduce further testimony tending to show the date of his return to the Cherokee Nation after the close of the war of the rebellion.

APPEARANCES:
Applicant appears in person and by attorneys, Blue & Bulger.
Cherokee Nation by its representative, L. B. Bell.

GEORGE WASHINGTON LYNCH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A George Washington Lynch.
Q How old are you? A I was born December 15, 1852.
Q What is your present post office address? A Vinita.
Q Were you a slave at the commencement of the rebellion? A Yes sir.
Q To whom did you belong? A At the commencement of the rebellion I belonged to Robert Daniels and before the rebellion c losed he gave me to his son Oce Daniels.
Q Was Robert Daniels a Cherokee Indian by blood? A Yes sir.
Q Where did he live at the commencement of the war? A He lived on the east side of Grand River at the Tiblow ferd now.
Q Were you living with him there at the commencement of the rebellion? A Yes sir.
Q Where did you go during the rebellion? A About along in 1862 as near as I remember Oce Daniels taken me there on the river down to Tahlequah, he moved down there.
Q Where did you go from there? A I went to Van Buren, Arkansas, first place.
Q Where did you go from Van Buren? A I went around with the soldiers.
Q Where did you go from Van Buren? A I went into the Federal Army waiting on the officers.
Q How long did you remain in the army? A I was there often and on during the rebellion.
Q In the State of Arkansas all that time? A Backwards and forwards all the way from Fort Smith, I was down at one time as far as Memphis, Tennessee.
Q When did you go back to the Cherokee Nation after the war? A I came back in the month of December, 1866.
Q Where did you go to? A My brother George Thompson brought me up to some half breeds by the name of Lewis Kells on Cabin Creek.
Q Who came with you? A My brother George Thompson.

Q Where did you get with George Thompson, your brother? A During the war at Fort Smith, my brother Jordan turned me over to him.
Q Where was your brother Jordan during the war? A Waiting on the officers during the war.
Q Where did you get with Jordan Thompson? A It wasn't Thompson, it was Jordan Taylor.
Q Where did you get with him during the war? A I got with him the next day after I landed in Van Buren.
Q And you came to Fort Gibson with him? A Yes sir.
Q And there you met your brother George Thompson? A Yes sir.
Q He was at Fort Gibson when you came there? A Yes sir.
Q And you went with him upon Cabin Creek? A Yes sir.
Q Who else was with you when you came to Fort Gibson? A The only person I remember was Blue Thompson.
Q Then you came to Fort Gibson with Blue Thompson? A No sir, he was there when I got there.
Q Who did you come with to Fort Gibson after the war? A With Jordan Taylor.
Q Anybody else? A There wasn't a soul but him and me.
Q Who did you see in Fort Gibson? A Blue Thompson is the only one I remember, I saw hundreds but didn't know them.
Q Where have you lived since you came to the Cherokee Nation?
A I went to the United States army first and served there five years.
Q When did you enlist in the United States army? A Spring of 1867.
Q Where? A Fort Leavenworth, Kansas.
Q When were you mustered out? A In 1872.
Q Have you a copy of your discharge papers? A No sir I lost it.
Q When did you go back to the Cherokee Nation after you were discharged? A As well as I can remember it was about 1873.
Q Where have you lived since then? A In the Cherokee Nation.
Q All the time? A Yes sir, I went out and worked around and come back, that is always been my home.
Q Have you any children living? A Yes sir.
Q What children are living under 21 years of age? A Eliza and Rosa
Q Is that all? A No sir I was married twice, they are the children by my first wife.
Q The children by your second wife have been enrolled have they?
A Yes sir.
Q Your second wife has been enrolled by this Commission as a Cherokee Freedman, has she? A Yes sir she is on the 1880 roll.

BY MR. BULGER:
Q With whom did you go to Tahlequah before the war or during the war? A I went there with my young Master Oce Daniels.
Q How long did you remain there? A As well as I can remember it must have been something like 9 or 10 months, maybe a year I don't remember exactly.
Q To where did you go from Tahlequah? A I went from Tahlequah to Van Buren.
Q With whom did you go? A With Robert Daniels he come up there and got me.
Q Who was he? A He was a Cherokee Indian by blood, father of Oce Daniels.
Q Was he your former owner? A Yes sir.
Q How long did you remain in Van Buren with Robert Daniels? A I got in there in the evening and stopped to stay all night, and that night the Federals fired on Van Buren and the next morning when I got up Robert Daniels was gone and I was there.

Q That was in what year? A As well as I can remember it was along the latter part of 1863, or the first of 1864, I think it was in 1863.
Q To where did you go from Van Buren Wash? A The first place I went from there was over to Fort Smith and got with the Federal army.
Q When did you start back to the Cherokee Nation with your brother Tayler? A It was in the winter of 1866.
Q What makes you remember it was in the winter of 1866? A The only thing that makes me remember it was in 1866 because it was current talk about that time about that being the time for parties who were entitled by the Treaty to return and it was the constant talk, my brother told me it was 1866, that was more interesting that there date, I remember it by the talk of the people with whom I was in company.
Q Was your object in coming back to be within the time set by that Treaty as you understood it? A Yes sir that was my object, my brother told me that my mother and all would be coming back and my mother woul be fretting about me and he said he would take me to Fort Gibson and brother George would take me on up.
Q Was your mother living in the Cherokee Nation when you got up here? A I didn't see her at that time, I went direct to Lewis Kells and as well as I can remember I stayed there some 6 or 7 or 8 days, I heard they were camped up there on the river but I don't know it.
Q Where did you go from Lewis Kells Wash? A I went over to Griffin Daniels and Ocalia Daniels, they were living on what we called the Six Mile bottom on Grnd River.
Q Where was that, in the Cherokee Nation? A Yes sir.
Q Was Griffin Daniels any relation to you? A His wife was.
Q How long did you stay at Griffin Daniels? A I stayed there until along about the last of December, January I mean to say, January, I stayed there until the lawt of January.
Q What year? A '66.
Q 1866? A Yes sir.
Q I thought you didn't come back until the fall of 1866? A This was January, 1866, I said I come back in the winter of '66, I come back in December, '66, and stayed there until the last of January along in 1867.
Q When you said January 1866 a moment ago, you meant January, 1867?
A Yes sir.
Q Did you go to enlist in the United States army from the Cherokee Nation? A Yes sir.
Q In what year? A I started the first of February.
Q What year? A 1867.

BY MR. BELL:
Q Started to where the first of February? A To go enlist in the army.
Q Did you serve one or two terms as a soldier? A One, I listed for five years.
Q Who was living there about old Griffins when you went there?
A When I went there, I don't know, George Clark, but I heard his name and could see the house up there about the Dirteater place.
Q You understood it was George Clark living there? A Yes sir.
Q Where was Simon living? A He was living sorter north of there, maybe a little west of north right across the prairie.

Q What become of George, your brother, is he alive? A No sir he is dead.
Q You come to Lewis Walls in December, 1866? A Yes sir.
Q Where was he living? A He was living as well as I can remember where Peter Woodall lives now, it is in the Cherokee Nation on Cabin Creek in Delaware District.
Q Couldn't you locate it a little better than that, you have been there? A It is right on Cabin Creek there, it is on the old military crossing there at Cabin Creek.

BY MR. BULGER:
Q When you joined the army you say you remained in the army five years? A Yes sir.
Q Got out in what year? A In 1872.
Q When did you return to the Cherokee Nation after you left the army? A As well as I remember it was just about a year after I got out of the army.
Q And you made the Cherokee Nation your home ever since? A Yes sir

BY MR. NULL:
Q Who was your first wife? A Her name when I married her was Lutitia Dandridge.
Q She was a state woman? A Yes sir.
Q Where did you marry her? A I married her here------
Q In the Nation or out of it? A Out of the Nation.
Q In Kansas? A Yes sir, I can't think of the name of the place--Osage Mission.
Q Were you regularly married? A Yes sir.
Q Got a license? A Yes sir.
Q How many children did you have by that woman? A I had three and one died.
Q Two alive? A Yes sir.
Q Where are they? A They are up in Kansas now.
Q How long have they been living there? A They have lived down here and there together.
Q How long have they lived in Kansas? A They have been up there I guess it must be ten years.
Q They were born there were they not? A Yes sir.
Q And have been raised there? A No sir they were raised part of the time right down here on Grand River, Cherokee Nation, I lived on Grand River and in Vinita with them.
Q How long did you live with them in Kansas before you brought them down here? A I never lived there until I was up there and worked.
Q How long did the children live there? A I told you they were there about ten years.
Q Where was your wife during that ten years? A. She was with the children.
Q She died there did she? A No sir she aint dead, we were divorced
Q I am talking about your first wife? A That is the one I am talking about, we were divorced.
Q You were divorced in the State of Kansas? A Yes sir she got the divorce, I was down here.
Q Tell me where you were when the war closed about May, 1865?
A As well as I can remember I was in the 9th Kansas Calvary.
Q Up to that time you never had enlisted, you just went as a waiting boy? A Yes sir.

Q Where was the Ninth Calvary in May, 1888? A As well as I can remember it was in the State of Arkansas, we and my brother had come back up to Van Buren and wasn't in the army then, and he was running a little old barber shop there.
Q When did you quit the army in 1888? A I think it was somewhere along about the middle of that year, I think as well as I can remember, and when we quit there we went to Fort Smith and to Van Buren.
Q Where was this regiment at when you left it, the Ninth calvary?
A I left it at DuVaul's Bluff on White River in Arkansas.

BY MR. BULGER:
Q You were married the first time after the war were you? A No sir the first time I was married I married at Osage Mission.
Q Was that after you joined the army or before? A It was after I joined the army I never was before, it was after I joined the army and came back home.
Q Then you had been in the Cherokee Nation prior to your marriage in Kansas? A Yes sir.

BY THE COMMISSION:
Q When were you married the first time? A As well as I remember it was in 1882.
Q You were married in Kansas? A Yes sir.
Q You first wife always lived in Kansas? A No sir she lived with me in the Cherokee Nation.
Q How long? A She lived with me until those two children were born.
Q Didn't you tell Colonel Bell that they were born in Kansas?
A I asked him to let me explain the reason why they were born in Kansas, and he wouldn't let me.
Q You answer my question? A I was living in the Cherokee Nation and sent her up there to her mothers.
Q And the children always lived in Kansas, these two children, didn't they? A I said they lived a part of the time with me on Grand River.
Q When did you and this wife separate? A As well as I remember it was somewhere in 1889 or 1890.
Q She has always lived in the State of Kansas since then so far as you knew? A Yes sir since we parted.
Q And these children have always lived there with her? A Since we parted, yes sir.
Q Where did you live with this wife in the Cherokee Nation? A On Grand River in Delaware District.
Q What did you do down there? A Farm.
Q These children were small when you and your wife separated?
A Yes sir.

BY MR. BELL:
Q What place did you live on on Grand River? A On Tobe Lynch's place and in a little house we had at the edge of the prairie on this Six Mile bottom.
Q In the Art Williams neighborhood? A Yes sir, where Art's place was right on the edge of the Six Mile bottom.
Q How long did you have this first wife of yours there in the Cherokee Nation? A It must have been five years, or six.
Q She parted from you in 1889, that was seven years after you married wasn't it? A I guess that is about right, I am guessing at it.

Q She never lived with you after that? A Not after we separated.
Q When was this first child born? A Along the latter part of 1862.
Q When was the second one born? A 1864 I think.

BY MR. BULGER:
Q Since you returned to the Cherokee Nation the last time have you resided here over seven years? A Yes sir been here all the time, living here ever since I arrived back here out of the army.

COLUMBUS McNAIR, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Columbus McNair.
Q Where do you live? A Vinita.
Q How old are you? A 58 years old.
Q Do you know George W. Lynch? A Yes sir.
Q How long have you known him? A Ever since the war.
Q Did you know him before the war? A I have seen him before the war.
Q Do you know where he lived before the war? A Yes sir.
Q Where? A He lived with Bob Daniels.
Q Was he living with Bob Daniels when the war broke out? A I don't know about that, they moved away from there.
Q Who did you belong to at the beginning of the rebellion? A Susanna McNair.
Q Was Bob Daniels a Cherokee Indian? A Said to be.
Q When did you next see George W. Lynch after the war? A Not until along about December, 1866.
Q Where did you see him then? A The first time was there at Lewis Kells?
Q Where is that? A Upon Cabin Creek.
Q You think that was in 1866? A Yes sir, the second year after the war, I guess it was, also in 1865.
Q Where did you go during the war? A To Texas.
Q When did you come back to the Cherokee Nation? A In the spring of 1866.
Q Are you on the 1880 roll? A Yes sir on all of them.
Q Do you know where George W. Lynch has lived since you saw him at Lewis Kells on Cabin Creek? A Not all the time, he had been living around up there very frequently.
Q Do you know how many years he lived in Kansas? A No sir, I don't know.
Q Where was he living in 1868, '69 and '70? A He was upon Grand River in 1868.
Q Where was he in 1869? A I don't know I was working there at Kells in 1868 saw him down on the River at that time, I don't know in 1869.
Q Where did you next see him after 1868? A I have seen him often and on while up there, couldn't tell exactly where he lived.
Q Did you know his wife Lutitia?? A Yes sir she was down there and lived there awhile.
Q That is his first wife? A He said it was.
Q Where did you see her? A They lived there at Vinita awhile.
Q When was that? A It was along, I don't remember how many years, I guess it must have been ten or twelve years ago.

Q Do you know when they separated? A No sir, I don't, I know she got up and went away, I don't know whether they separated or not, he stayed there.
Q He has another wife now? A Yes sir.
Q Do you know his children, Rose and Hiram? A No sir, I saw them when they were small.
Q Do you know where they live now? A No sir, I don't.
Q Where were you living when you first saw George W. Lynch on Cabin Creek? A Right there at Kells.
Q Were there any Cherokees living in that neighborhood then?
A Yes sir.
Q Who? A Ben Landrum, Dave Landrum, John Landrum, Johnson Thompson over on Grand River.
Q Are these Cherokee citizens you are naming by blood? A Yes sir.

BY MR. BULGER:
Q What makes you remember it distinctly that this was 1866 that you saw George Lynch for the first time after the war? A Because I had come home that spring and Lewis Kell come home that winter from the Chickasaw Nation.
Q Where did yousee George at that time? A LAt Lewis Kells.
Q How long did he remain there? A He just come there and saw his brother.
Q What month was that in? A In December.

BY MR. BELL:
Q Where did he come from? A He come from old man Griffin Daniels, he said, over there in Six Mile bottom.
Q How far is that from Lewis Kells? A It wasn't over six miles.
Q How long had he been at old man Griffins? A I don't know.
Q Have you know idea at all? A No sir, I never saw him at all, he come there.
Q And you hadn't heard about him being there? A Yes sir I heard he had been there about a week, George Thompson his brother said.
Q How long did he stay there at Lewis Kells? A About a day.
Q Do you know what become of him then? A He went back down on the River.
Q Back down to Griffins? A I suppose he did.
Q What time did you go to work for Lewis Kell? A In 1866 I went up there, I was acquainted with him and then I went up there and stayed there a week or two.
Q That was in December, 1866? A Yes sir.
Q You stayed as much as two weeks you reckon? A Yes sir I guess so.
Q What time in December was that? A It must have been along toward the last, I disremember now, it was getting pretty cold.
Q When did you come back to the Cherokee Nation? A I come back in the spring of 1866.
Q Where did you go to? A First place down in Sequoyah District and on up to here.
Q Where did you cross the River in Sequoyah District? A Right at Fort Smith, we brought some cattle up there.
Q You come with Joe Kell to the Cherokee Nation? A Yes sir with some cattle.
Q Joe Kell was a brother to this Lewis Kell you worked for on Cabin Creek? A Yes sir.

Q You left the cattle at Gunlyville, Uncle Nathan, did you?
A Yes sir.
Q Then you crossed the river there? A Right there at Fort Smith.
Q You and Joe crossed together did you? A Yes sir.
Q Where did you come to after you crossed the river? A I stopped at Nathan Gunters.
Q What time of the year was that? A In the spring.
Q What become of Joe Kell? A He came on up about Gibson.
Q When did you leave there to go up to Lewis Kelle? A In 1866 in the fall.
Q You left Nathan Gunters and went up there did you? A Yes sir.
Q After you stayed there two weeks at Lewis Kelle what become of you? A Come back down below.
Q When was it you went up to Kansas, was it before or after this Lewis Kell business? A After that.
Q Where did you go to? A Garnett, Kansas.
Q How long did you stay there? A I stayed at Garnett I guess three or four months.
Q As a matter of fact didn't you just go right square through the nation and go to Kansas before you stopped? A No sir.
Q Who went with you up there? A I can't remember who all several of us.
Q A crowd of you? A Four or five of us.
Q You don't recollect who they were? A No sir who all it was.
Q Can't you remember one of them? A No sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this January 16, 1905.

Charles N. Sawyer
Notary Public.

[illegible]

[illegible] being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above and foregoing proceedings had on the 23rd day of November, 1904 and that the above is a true and correct transcript of her stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 26 day of November, 1904.

[illegible]
Notary Public.

FILED
Dec 2 1904
Clerk of Court

Cherokee Freedmen D-121.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, Nov. 23, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of George W. Lynch, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, his attorneys and the attorneys for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on November 21, 1904, and introduce such testimony as they might desire in this case, and same was continued by agreement until this November 23, 1904.

APPEARANCES:

Applicant appears in person and by attorneys, Blue & Bulger.
Cherokee Nation by its attorneys, Bell & Hastings.

BLUE THOMPSON, being first duly sworn, testifies as follows:

EXAMINATION BY MR. BULGER:

Q What is your name? A Blue Thompson.
Q What is your postoffice address? A Chetopa.
Q Are you acquainted with George W. Lynch, the applicant in this case? A Yes, sir.
Q How long have you been acquainted with Mr. Lynch? A About thirty years or more. I have been pretty nigh always acquainted with him ever since the war.
Q Were you acquainted with him in time of the war? A No, sir, not in time of the war.
Q When did you first see him after the war? A At Ft. Gibson.
Q What year? A In '66.
Q What time of the year? A Well I seen him, I don't know just what month it was, kind of cold weather, either in November or December somewheres along there.
Q What was he doing when you saw him? A He wasn't doing anything, he was in company with my uncle.
Q Your uncle, what is his name? A George Thompson.
Q What was he doing at that time? A He wasn't doing anything, walking around just at that time when I saw them.
Q Mr. Thompson that has been a long time ago, what makes you remember it as being '66? A Well, I went to Ft. Gibson in '66, my uncle came there to see me and I saw him in company with this boy. My uncle was taken up so with him and he made me acquainted with him. That is how I come to remember the circumstances in this case.
Q When did you see him next after that? A I didn't see him no more till about '73 or '74, I don't know---
Q Well where did you see him? A Well I disremember, it was I think, it was in Vinita.
Q In the Cherokee Nation? A Yes sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q Where were you living when you saw this fellow the first time?
A At Ft. Gibson.
Q When did you commence li[illegible] there? A I commenced livin[illegible]

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Q When did you commence living there? A I commenced living there in '66.
Q What time of the year? A Well I said it was very close to Christmas, either November or the first of December.
Q That you commenced living there? A Yes, sir. I wasn't living there as my home, I was first up there just one place and then another.
Q When did you move to Ft. Gibson to live? A I never did move, I never had no wife.
Q Did you live in Ft. Gibson then? A Yes, I stayed in Ft. Gibson just as I am staying here, my folks wasn't there. I stayed with Lester Foreman and John Thornton.
Q When did you first come there to stay with them? A In '66.
Q What time of the year? A In the fall, I come along first when it first commenced to get cold.
Q How long did you stay with them? A I think I stayed in Ft. Gibson up till '69, I went to work for Mr. Webb.
Q Did you stay in Ft. Gibson all this time from '66 until '68?
A Pretty much of the time.
Q Who did you stay with that time? A Well I stayed first one place and then another, I stayed around wherever I was.
Q Who did you stay with first? A Well, I think I stayed first with John Thornton, either him or Lester. I went and stayed with Lester after he married.
Q When did he marry? A I don't know, it was I think in Christmas time, I can't tell.
Q Do you know what year he married in? A No, I don't just know.
Q Well do you know whether it was '67 or '68? A Well, it might have been '67, but I don't know.
Q Well don't you remember the year, you were living there at that time? A Well now Mr. Hastings I wasn't married. I knowed him on peculiar circumstances, I never had knowed him until I met him with my uncle, I never had met him ----
Q Were you living with Lester and his wife during the time you were there and made that your home or stopping place and can't tell the year when he was married? A No, I don't know positively.
Q Did Lester tell you that the woman he married was his wife?
A Why no, he didn't tell me it was his wife, but I knew that he married her.
Q And you made that your home? A Yes, first one place and then another.
Q But you can't tell what year Lester married? A Why '66 or '67, it might have been '68, I don't know.
Q What is your uncles name? A George Thompson.
Q Where did George Thompson live at that time? A He lived at Cabin Creek.
Q Was you ever up to his place after that? A No.-
Q And you just saw this boy on the street? A Yes, in town around on the street.
Q About how old were you at that time? A Well I am 54 now, I must have been between 14 and 15 years old the best I know, I am not certain about it positively. I was born in '50, the 25th of December and every Christmas comes my birthday, Last year I was 54 the 25th of December and next month I will be 55.
Q How old was he when you saw him? A He was quite a big boy when I saw him.
Q Well was he grown? A No, I don't think so, no, sir.
Q Well how old did he appear to be to you at the time you saw him? A Well now Mr. Hastings that is getting down to things .

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pretty close. I suppose he might have been 15 and he might have been 14, I don't know.

Q Is that your best judgement? A I think he was older than one though.

Q Do you know what month of the year it was in? A It was in one of these two months.

Q You don't know which one? A No, sir, I know it was cold weather.

Q You know it was cold weather? A Yes, sir, in one of those two months.

Q Do you know where this boy stayed when in Ft. Gibson? A No, sir I don't know where. Uncle stayed all night ---

Q Well, you don't know where he stayed? A No, sir.

Q Was this fellow's father or mother with him? A No, only uncle was with him.

Q Did your uncle have any of his children or family with him? A No.

Q And he only had this child with him? A That is all.

Q Did he say where he got this child? A No, sir, he didn't .

Q You didn't make any inquiry about him? A No, sir.

Q He didn't tell you where he got him? A No, sir.

Q Didn't tell you anything about him? A No.

Q Did you ever see him in Kansas? A Yes, sir.

Q When? A Some years ago.

Q Where did you see him? A I think it was Oswego, maybe.

WITNESS EXCUSED

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GEORGE W. LYNCH, being duly sworn testifies as follows:

EXAMINATION BY MR. BULLEN:

Q Your name is George W. Lynch? A Yes, sir.

Q You are the applicant in this case? A Yes, sir.

Q Are you upon the Wallace roll as a citizen of the Cherokee Nation? A Yes, sir.

Q The Kerns-Clifton roll? A Yes, sir.

Q On the Lipe? A Yes, sir.

Q Do you hold any official position in the Cherokee Nation at this time? A Trustee for the National school.

Q Where? A At Vinita.

Q What is your father's name? A Fathers name was Tobias Lynch.

Q What was your grandfather's name? A Mike Sanders, he lived in Big Creek.

Q Were these two men the slaves of citizens of the Cherokee Nation? A Yes, sir. My grandfather was and my father bought himself free.

Q Are either of them identified on the 1880 authenticated roll? A Mike Sanders is an authenticated citizen.

CROSS EXAMINATION BY MR. HASTINGS:

Q He was your grandfather? A Yes, sir.

Q You were a slave yourself, weren't you? A Yes sir, I was born during slavery.

Q Well, you were born before the war? A Yes, sir.

Q Well then you are claiming by virtue of your own rights? A I am claiming it through my ancestors and---

Q Well, you are claiming any way you can get it? A Yes, sir.

Q How are you claiming citizenship? A Why through my mother.
Q What was your mother's name? A Rebecca Hunter.
Q Did she marry a man by the name of Lyons? A Yes, sir.
Q How are you claiming through her? A Yes and myself.
Q But you were a little child? A Well I was probably at that time 13 or 14 or 15.
Q Well did you see her marry Jeff Lyons? A Well, I wasn't with them, when I saw her last she wasn't married and when I saw her again she claimed Jeff Lyons as her husband.
Q Where did you go during the war? A I had been in Arkansas part of the time and in Tennessee down close to Memphis with the army.
Q What army? A The Ninth Kansas Cavalry.
Q When were you discharged? A I wasn't discharged, I was just simply along there waiting on an officer.
Q Where did you quit the army? A Well it was somewhere between Little Rock and Vanburen.
Q Was the war over at the time? A Yes, sir.
Q Do you know what year you quit the army? A I think to my best recollection it was along the first of '65.
Q Before the war was over? A The war was pronounced over, peace was declared.
Q About what month was it you quit? A I don't remember the month exactly, it must have been somewhere along in March or April or May.
Q Where did you go from there? A I came to Vanburen.
Q Where did you first see your mother? A Why my best recollection I first saw my mother when I came back out of the army.
Q Where at? A On the Grand River.
Q Had she and Jeff married then? A Yes, sir.
Q And had they moved down there when you first came back? A Well now I only heard of them being up on the Grand River where I worked.
Q How far were you from them? A It must have been some eight or ten miles.
Q How long did you stay down there eight or ten miles from where you heard your mother was? A I went there to the best of my recollection in the month of December and stayed there through that month and through January and about the first of February I left.
Q Where did you go? A I went from there to Big Creek.
Q What year was that? A That was along about '67.
Q How do you mean to tell the Commission that you stayed up there on Grand River some three months within eight or ten miles from your mother without seeing her? A Yes. I was living with old man Griffin and there was high waters.
Q Were you on the same side of the River? A No, they were on the opposite side of the river. I learned they were in camp over there
Q And you didn't go and see them? A No.
Q When did you first see your mother? A Well I just told you when I first saw her.
Q What year? A To my best recollection it was, well I went in the army in '67 and was discharged in '72 and my best recollection is it was the next year after I was discharged in '73.
Q In '73? A Yes, sir.
Q You never saw your mother until you was discharged from the army in '73? A No, sir.
Q When did you first see your uncle, George Thompson? A I think it was in Ft. Gibson.
Q Well, when did you first see him? A Well, during the winter of '66.

Q Did you meet him there? A Well, I had two brothers, one living there during the time I was in the army, Jordan Thompson who belonged to a man by the name of Daniels and Daniels sold him to a man by the name of Green Taylor.
Q Was he living in Ft. Gibson? A No, sir he didn't live there.
Q What time of the year did you go up there? A I went up there I told you in the winter of '62.
Q Did you go with this man Jordan? A Yes, sir.
Q When you went up there you found George Thompson living there? A No, sir.
Q Who was he staying with? A I can't tell you that, I don't think he was staying there all the time at all. My brother found him first and took me to him and he told my brother he would take me on the River.
Q Did you go? A Yes, sir.
Q With him? A Yes, sir. With George Thompson.
Q How did you go to George Thompson's place on the river? A George Thompson didn't have no place that I know of.
Q Where did you go on the river with George Thompson? A I went to Louis Kellam's who lived that at the time.
Q Was Louis Kellam living there at that time? A Yes, sir.
Q Was his family there? A I saw his wife there and two brothers of his.
Q How long did you stay there? A Why I stayed there, as well as I can remember, somewheres about five or six, probably seven or eight days.
Q Then where did you go? A To old man Griffin Daniels.
Q Did he live in Delaware district? A What we called Six Mile Bend.
Q How long did you stay there? A I stayed there through that month, the balance of December and through January up to the first of February.
Q Then where did you go? A I guess you can't be satisfied with what I tell you, I told you I went from there and joined the army.
Q Where did you join the army? A At Ft. Leavenworth.
Q Who did you go with to join the army? A Well I went there by myself and after I got over the line I fell in company with two more fellows.
Q What were their names? A I can't remember their names at this time.
Q How old were you at that time? A I must have been somewheres near 15 or 16.
Q How did you know that there was an army at Ft. Leavenworth? A Cause I heard it, it was frequent talked that there was a recruiting office there.
Q You heard that down the Grand River there was a recruiting office? A Yes.
Q Had you ever been in Kansas? A No, sir.
Q Well how did you hear there was a recruiting office in Ft. Leavenworth? A Why all of them darkies around there had been there before me and they knew it pretty much, all of them had come from Kansas.
Q You weren't of age at that time? A No, sir.

EXAMINATION BY MR. BELL:

Q Where was it that old man Griffin lived? A He lived on a place styled the old Colunchi Place.
Q That Colunchi Place was it in the bottom or on the hill? A It was right on the edge of the prairie.
Q Now where was it that your folks camped? A I heard they

were camped up there in the bottom somewhere along about a brick house.
Q Wasn't they camped right about Daniel's place? A I don't know just where they were camped up on the prairie I heard.
Q It was between the old brick house and the bottom? A Close there.
Q You know that old brick house down the river there do you? A Yes, sir.
Q Well now do you think it was six miles from the Columchi Place to that brick house? A Well I think it was about eight or ten miles/
Q Well do you think it was five miles? A The way you had to go to get around there I think it was about what I said.
Q Ten miles? A I don't think you could get around to it and get there any less.
Q Now how far was it around the hill to John Thompson's house? A Well seven or eight miles. I am telling it according to the way I learned, I didn't see them I just learned they were there.
Q Well you heard they were camped around this brick house? A Yes sir.
Q Well you knew where they were? A Well I was born December 15, 1852 and you can tell how old I was then.
Q Now you say the waters were high? A Yes, sir.
Q You say it was in January 1867? A Yes sir, they claimed the river was high.
Q You say the waters were high and you couldn't cross? A I said it was said the waters were high.
Q Why you were living right there close to the river and now don't you know that in January 1867 that river was frozen as hard as could be? A Well it might have been some parts of the winter.
Q I know I had often gone and crossed the river. You didn't try to see your mother. A I said it caused them to stay there on account of the high waters.

EXAMINATION BY MR. HASTINGS:

Q Why didn't you go and see your mother? A I said that they were in camp over there, which was reported they were in camp on account of the high water and could not get across.
Q Why didn't you see your mother, you was there three months and within eight miles of her? A Well do you want me to tell you?
Q I have asked you? A I will tell you the reason, I didn't go anywhere for at that time the whole country was in an uprear over the Horse Creek fight and there was some niggers and I was afraid to go around at the time for fear of getting killed. That is the reason I didn't go and see my mother.
Q You weren't afraid to go up to that section of the country around Ft. Gibson were you? A I went there in company with my brother. Q You wasn't afraid to stay there three months were you? A No, I wasn't afraid at that time. The reason I was afraid afterward I got information of the things that had happened in the country after I come up there I didn't know before and I learned they had killed a lot of darkies at the Horse Creek fight that fall and the darkies was jist naturally afraid to go round.
Q And it took you three months to find that out? A No, I found it out as quick as I got up there.
Q Did these parties who came down say anything about it?

A I didn't talk with anybody but my brother.
Q It was just eight miles from where your mother was living and you were living with a family and yet you was afraid to go and see your mother? A I was with relatives.
Q You didn't try to get them to go with you? A The reason why I was after getting away from there. Everybody was pretty much on starvation nobody had hardly anything to eat and I was starving and all the time hadn't had a square meal there and I thought I could find a better place.
Q That is the reason you left? A Yes, and after them reports come I didn't think it would be very pleasant to be there.

EXAMINATION BY MR. BULGER:

Q Was there some brick houses there at that time, in that part of the Cherokee Nation? A There wasn't any brick houses there where I was at, but there was a brick house by the river there.
Q Who was you staying with did you say when you left to join the army? A I was staying with Griffin Daniels and Seeley, his wife.
Q Did you leave Griffin Daniels place and go direct to Leavenworth? A Yes, sir.
Q Were you by yourself when you left there? A No, sir.
Q Who went with you? A Art Williams.
Q Where did you go from Griffin Daniels place? A The first place we went we drove some cattle across Big Creek.
Q Where did you stay at night? A Why we took up all the night traveling. Q How long did you stay in Ft. Leavenworth when you were down there? A Stayed all night.
Q How long had it been before the war that you saw your mother? A I saw my mother during the war.

EXAMINATION BY MR. HASTINGS:

Q Where was she? A The last time I saw her was on Judge Daniels place on the Grand River.

EXAMINATION BY MR. BULGER:

Q You testified that you was about 15 years old when you joined the army? A Yes, sir, that is my judgement.
Q Were 15 year old youngsters allowed to join the army in these days? A No, sir.
Q How did you get in? A Why there was three of us in company at the recruting office and the other fellows went ever ahead of me and I noticed in the statement of the Clerk at the recruting office every time they would say how old they was he would say "stand aside, we don't want no boys here" and I just thought I had come that far and wanted to make sure of it and when he come to me and asked how old I was I said 21.

EXAMINATION BY MR. HASTINGS:

Q You have been watching the Dawes Commission in taking this testimony in Freedmen cases and you have found that it is absolutely necessary for you to be in the Cherokee Nation in '66 in order to be enrolled as a Cherokee Freedman? A Not on account of the Dawes Commission, I knowed it cause it was the truth.
Q Well you have observed it by the questions that have been

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asked by the Commission in these cases? A No, sir, I knowed it before they asked any questions.
Q Then you knew it was necessary for you to prove you was here in '66?

WITNESS EXCUSED.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of November, 1904 and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 26 day of November, 1904.

J M Humphrey
Notary Public.

A. F. No.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

| | | | | |
|---|---|---|---|---|
| George Irons et al., | Cherokee | Freedmen | R | 36. |
| Bettie Mayes | " | " | D | 87. |
| Richard Nere (or Irons) et al | " | " | D | 1128. |
| Ned Lyons | " | " | D | 251. |
| Rachel Landrum | " | " | D | [illegible]. |
| Elias Lyons, et al. | " | " | D | [illegible]. |
| Altha Moore, et al., | " | " | D | 387. |
| George W. Lynch, et al | " | " | D | 731. |

--: D E C I S I O N :--

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, stepchildren, Bertha and Bettie Irons, and stepgrandchild, Elenora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nere (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of N. W. and M. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 396, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Mayes and Richard and Mollie Mere (or Irons), are all children of one Mere Irons, deceased, that the said applicants, George Irons and Bettie Mayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the applicants, Richard and Mollie Mere (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1904, opposite Nos. 2173 and 2238, respectively, and have selected and accepted their allotment of lands in said Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elmera Nivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. R. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 28, 1904 (Departmental letter I. T. D. 4226-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I. T. D. 6980-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee Nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental Letter I. T. D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimonyof the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return, More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered--"I didn't see her at that time..... ...I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons,

Nellie Lynch, Wheatona Stevens, Bertie Lynch, Richard Perry (or Lynch), Willie Perry (or Lynch), Pat Lynch, Rachel Lambrum, Eliza Lynch, Nelson J. Lynch, Aletha Sharp, Homer Sharp, George T. Lynch, Dorothy Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this APR 18 1906

[illegible] proceeding [illegible]

[illegible]

[illegible] representative had in the matter of the application of the appellant of Thomas [illegible], [illegible] of [illegible] Proceedings.

APPEARANCES:
For Applicants, Perry & Pelton.
For Shawnee Nation, [illegible] Davenport and [illegible].

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By Mr. [illegible]

The representative of the Shawnee Nation desire to interpose the entry in the book of assessment for 1888, which refers to Warren Adams, and not that it be read and copied in the record, so that the book may be returned.

By Mr. Pelton:

[illegible] applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

| No. of Employees | Name | No. of Horses | Value | No. of Cattle |
|---|---|---|---|---|
| 6 | Adams, Warren | 3 | 60 | 3 |

| Value | No. of Hogs | Average value of all | Average Yrly. Expenditure |
|---|---|---|---|
| 10 | 1 Value 3 | | 19 |

| Total | Total Establishment expenses | Expenditure |
|---|---|---|
| 98 | 300 | Total Wanting |

Q. Was the entry book changed, Mr. Jones, since you turned it in to the Commissioner of Indian Affairs? A. No, sir.
Q. Would you consider the book which you have before you, and if you find any discrepancy in 1888 of Warren Adams? A. Yes, sir.



POOR ORIGINAL -
BEST AVAILABLE COPY

[illegible]

Subscribed and sworn to before me this 1st day of September, 1904.

[illegible]
Notary Public.

Cherokee Freedmen [illegible]

Cherokee Freedmen [illegible]

[illegible] BY THE [illegible]
[illegible] TO THE FIVE CIVILIZED TRIBES.
[illegible], I. T., [illegible], 1906.

[illegible] hearings had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., F R 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:

For Applicants, Starr & Patten.
For Cherokee Nation, W. W. Hastings and J.S. Davenport.

The records of this office show that on April 8, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. W. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A. J. W. Walters.
Q Where do you live? A At Iola, Kansas.
Q How long have you lived there? A Since the 19th of July, 1861.
Q What is your age? A 62 the 8th day of last March.
Q Were you a soldier in the Civil War? A I was.
Q When were you mustered out of service? A The 19th of September, 1865.
Q Where were you living in the year 1866? A I was living one mile north of Iola.
Q Were you acquainted with a colored man in that neighborhood by the name of Moses Hardrick? A Yes sir, I was.
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly incompetent because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

A No I cannot say that I heard that he had left there. I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Tom Herville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:
Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what became of him? A Yes sir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what became of them. Some went to one place and some others, and others may have remained there? A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D . .

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Felix Lerance.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you? A I am 58 years old last 31st day of April.
Q Were you ever in the army? A Yes sir, I wasn't in the army.
Q Where were you living in the year 1866? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm from 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a colored man by the name of Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darkey called Jeff ,for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler?" A Yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is up until the latter part of the year, he left there in the fall of 1866.
Q Is this Moses Hardrick the same as the applicant in this case?
A This man right here.

Q You could identify him could you? A After I looked at him awhile when he was there he wasn't lame or crippled up.
Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '63, '64, and up until the spring of '65 he worked there with us a good part of the time. I would say pretty near half of the time he worked for my father.
Q Did he work there in the fall of 1866? A The first part of it.
Q Where did Jeff Lyons live? A I don't know.
Q Do you remember how long Wesa Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
Q In what year was it? A 1866.
Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
Q Do you remember when Dan Norville's house was built? A Well I was there but I don't remember any thing about the dates at all. I didn't work on it any when it was built.
Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don't remember when it was built.
Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1866.
Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
Q When did you return? A June, 1866.
Q Was it that same year or different years these parties left?
A That same year.
Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
Q The following year you farmed that ground? A Yes sir.
Q When was that? A 1867.

BY MR. [illegible]:

Q When were you married? A The first time in 1874.

Q You were not married then? A Nosir, I was just 14 years old. I was born in 1860.

Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.

Q You mentioned a man named Jeff and Butler and "Nigger Tom"? A Yes sir.

Q Did they leave and come with him? A I never saw them afterwards.

Q I asked did they leave? A I don't know, there was a bunch left at the same time, Moses left.

Q You didn't have any knowledge about Jeff, you don't know where he lived? A No sir.

Q Are you prepared to say he come off with Moses? A I don,t know, there was a bunch left there.

Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Moses or not.

Q How about this man Tom? A I don, t know anything about him.

Q Did you ever see either of these after Moses left? A No sir.

Q Are you certain of that? A Pretty sure, I never saw one that I remember of.

Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.

Q Who directed your attention to it? A I don,t know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.

Q How long ago was it ? A A couple of months, I expect since I saw him.

Q Did you know Moses' wife's name? A I think her name was Patience.

Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.

Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.

Q Do you know of the youngest one? A Nosir.

Q Do you know whether they were boys or girls? A I don't know that, he had a small family there. We lived in their own house and we lived in ours.

Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.

Q you don,t know of him coming to the Cherokee Nation? A Never saw him from the time he left there.

Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.

Q Did Moses ever live on that Eastwood place west of the Neosho River? A I don't remember.

Q Did he ever live on that Worville place? A I don't think he did, but I don,t remember.

Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don,t remember her.

Q Did he have any children? A I don't know whether he did or not

Q Did you ever see Butler McNair's wife? A I don't think I did.

Q Did he have any children? A I don't know.

Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.

Q When were you told what Moses's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience andus kids would kind of make a little game of it.

Q If she did your washing you don't remember the children's names?

A No sir.

Q You don't know how many there were? A No sir.
Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
Q How long did your father live, to be dead now? A He has been dead about 20 years.
Q Was he living in 1872? A Yes sir.
Q In 1876? A Yes sir.
Q Who was living on your father's place in 1872? A He was there.
Q Your father? A Yes sir.
Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
Q Did you ever go back there at all? A I came back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
Q Who cultivated your farm? A I did myself, and sometimes had hired men.
Q Who worked for you at that time? A I don't remember.
Q It is mighty hard to remember those things? A yes, unless you have got something to go by.
Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains. and coming back.
Q Suppose he says he came in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
Q You don,t know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A James L. Christy.
Q Where do you live? A In Allen County, Kansas.
Q Is that near Iola? A Yes sir, I lived 11 1/4 miles northwest of Iola.Now.
Q Were you enlisted as a soldier during the Civil War? A yes sir.
Q When were you mustered out? A August 16, 1864.
Q Where were you living in 1866? A Two miles north of Iola.
Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A yes sir.
Q Tom Meere? A Yes sir.
Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
Q Where was Mose Hardrick living? A On a man's place named Lorance.

Q How far was that from where you lived? A About a mile and a half.
Q Did you see these people freq ently? A Yes sir, with them every week.
Q Do you know how lo ng Moses Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Moses in 1865.
Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Moses Hardrick would work for him, sometimes I think all three of these colored fellows, but Jef' Lyons, and in threshing they would help thrash, and I got acquainted with them that way.
Q When did they leave that community up there? A To the best of my knowledge sometime in October.
Q What year? A 1866.
Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
Q Did they take their effects with them when they left, moved completely out? A I don,t know, I know they riged up in wagons, and whether they took all I don't know.
Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
Q How long did you live in that community continuously after that?
A I guess I lived right there for 10 years.
Q Did you ever see these people after that time you say they left?
A No sir, I never did.
Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
Q Did you ever see them there after that time? A No sir.
Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Moses Hardrick and some of these colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:
Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February, 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
Q Was that in January or February, 1866? A No sir, it was in August.
Q Why couldn't that have been in August, 1867? A because I wasn't right at that place in August 1867.
Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
Q What time in 1867 did you get married? A November, 1867.
Q Then you were not married in August, 1867? A No sir.
Q And you were not married in October, 1867? A No sir.
Q Were you on your father's place? A I was on my father's place part of the time.
Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July

Q You lived at your father's place after the war up until you were married in December, 1866? A That was my home, I been't there all the time.
Q That was your head-quarters? A Yes sir.
Q You of course don't know where these parties went? A No sir.
Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
Q You state they all left together? A That was my understanding.
Q You are as positive about one as the other? A Yes sir.
Q What was Butler McNair Wife's name? A I think it was Betsey.
Q Did they have any children? A I don't ~~k~~ think they did.
Q What was Jeff Lyon's wife's name? A I don't know.
Q Did they have any children? A I don't know.
Q Were you ever at his house? A No sir, I don't know as I was at his house.
Q Then you didn't see him when he was loading his wagon? A No sir.
Q And you didn't see Butler McNair? A He had his wagon loaded.
Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
Q You don,t know that? A I am not positive as to the date but I am pretty sure they all left together.
Q You are not positive as to the date but you are positive as to them leaving all together. A Yes sir.
Q You didn't know Tom Moore's wife? A I have seen her.
Q You don't know her name? A No sir.
Q Do you know what place he lived? A On Coover's place at Carlile.
Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
Q Well now did your father raise any wheat in 1867? A Yes sir.
Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
Q Did you raise some in 1868? A Yes sir, I think we did.
Q Did you raise any in 1869? A I think maybe we did. We generally sowed wheat every year.
Q Well did you? A We sowed every year.
Q I mean did you have it sown on your place? A No sir, not on my place.
Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
Q Did he have some wheat in 1869? A I think he did.
Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
Q The same man? A No sir.
Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Wisdom thrashed in there for 21 years.
Q Do you know whether it was 1869 or '70? A I think it was 1869.
Q Are you positive about that? A Yes sir, I am pretty positive.
Q What time in 1869? A I think it was in the fall.
Q You ~~xx~~ were not down at Mose Hardrick' s when he left? A No sir, but I was there several times and heard of his leaving.
Q You heard of his having? A Yes sir.
Didn't see him leave? A No sir, didn't see any of them leave.
Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they weregoing and I sold Tom Moore a span of ponies to come with just a few days before they left.

Q But you don't know whether he and Moss came together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humboldt.

Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case came up——

Q You talked with the other witnesses when you came down? A Yes sir, I talked with these witnesses as I came down.

Q And have you talked with Moss Hardrick? A Yes sir, I talked with Moss Hardrick.

Q What other of these people have you talked with? A I don't know, I don't know any of them but Moss.

Q Talk with Mr. Starr? A Yes sir.

Q When? A This morning the first time I ever seen him.

Q Who did you talk with up in Kansas and who got you to come here?

A Well the man I talked to up in Kansas was Parrymore.

Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it came up——

Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.

Q And the rest of you witnesses talked it over coming down here?

A We didn't talk it over. Only two came with me.

Q Who? A A man named Morse and a man named Ryrd.

Q Do you know any of the hands that helped you thrash in 1867?

A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.

Q Who was that? A John Walter.

Q Who helped you in 1866? A Why John Walter I guess.

Q Are you positive about that? A Well we always changed work.

Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.

Q You know Moss Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.

Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.

Q If he testified he come in the Spring, it was some spring after that? A He was mistaken, not that spring.

BY MR.PATTEN:

Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.

Q This Moss Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.

Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.

Q Did that instance help to refresh your memory? A Yes sir.

Q In what way? A In the year that he tanned them. I knew what year it was.

Q How do you happen to recall that instance of him tanning these hides for you? Well after he got them tanned he took them all away and I never got but one little hide.

Q Did he take them all away? A Yes sir.

Q You remember you lost your hides? A Yes sir.

Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.

Q You spoke on your cross-examination of selling some pennies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he came to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of pennies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.
Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:
Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Rose Hendrick helped you threshed? A Yes sir, it was in 1863 that the grass hoppers came and hurt our wheat. We sowed wheat in the fall of 1863,—and it was in 1864 the grass hoppers came and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring
Q and it was the next year after they damaged it the grass hoppers were bad up there that Rose Left? A The last grass hoppers were there in the spring along—
Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.
Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.
Q Didn't hurt your crop in 1866? A No sir, it was in 1865.
Q But anyhow it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:
Q Do you remember when the Dan Herville house was built? A Yes sir.
Q What year was it built in? A In the spring of 1866 they commenced it.
Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:
Q How far from Iola Was the Dan Herville house? A It is a mile and a half from the center of the square
Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.
Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.
Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.
Q Now out in that neighborhood? A Wasn't any settlement up there them days.
Q When was the first house built there? A Old Lyman Rowe built the first house east of there.
Q When was that? A In the fall of 1859.
Q What I am trying to get at there was nothing to impress it on your mind of any body building a house around there? A Well yes I know, there was a lot of houses built around there.

Q You mean to sit up here and tell when those houses were built without any thing to fix it on your memory? A I am the eldest settler in that country.

Q How are you willing to testify independently without anything to fix it definitely upon your mind about when those houses were built there? A Well not all of them but the first once I know, who built them and where they were built.
Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
Q Why then was the Tom Morville house? A He built the finest house in the country.
Q Well aint there lots of fine houses around in that country?
A Yes sir, there is now, but he had it the first.
Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S  E X C U S E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A J. C. Thomas.
Q What is your age? A 64.
Q What is your post office? A Iola.
Q Kansas? A Yes sir.
Q How long have you lived in or around Iola? Kansas? A Ever since 1864.
Q Where were you living in the spring of 1868? A I lived at Iola, near there, right in a half mile of the town.
Q What direction from town? A West of town at the mill.
Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
Q By what name did you know him? A By Jeff.
Q Did you know his wife? A Yes sir.
Q What was her name? A Mahala, she done my washing until I was married.
Q Is there any circumstance by which you fix that it was in 1865 that you lived near those people, and that they did your washing?
A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
Q Did you get a deed to that farm? A Yes sir.

Mr. Starr: Mr. Hastings we want to have a notation made of this deed.
Mr. Hastings: I have no objection whatever.

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described there in to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29 1865. The deed is returned to the witness.
Q Now where was Jeff and Mahala at the time you bought this place

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cowhorn's place.

Q How far was that from [illegible] Street? A On part of the place, there was a lot and part of the place.
Q How long did you continue to live at that place? A From 1866 until the spring of 1866.
Q Then where did you move? A On to this place.
Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cochran place.
Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
Q Did they leave that part of the country in 1866? A
Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted:

A I never see them after that, don't know where they went.
Q Never saw them since? A No sir.
Q Now what was your under standing as to where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted:

A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:
Q You don't know who you talked with? A No sir.
Q And you don't know of your own personal knowledged when they left?
A. No sir, I don't .
Q You cannot begin to testify and you are not going to testify?
A No sir.
Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
Q And you don't know whether they left that spring, or summer or when? A No sir.
Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

W I T N E S S  E X C U S E D.

ELIZABETH THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A My name is Elizabeth Thomas.
Q What is your age? A I am 64.
Q What is your post office? A Iola, Kansas.
Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

Q Where were you living in 1868? A Living right in Sela, well it wasn't inside of the corporate limits but close there, about 100 yards.
Q Are you acquainted with a colored man named Jeff Lycos in 1868?
A Yes sir.
Q Did you know his wife Wahala? A Yes sir, she lived there close.
Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
Q Did you know them there in 1868? A I never saw them until here.
Q When did you leave the place? A In the spring of 1866.
Q Did you see them around there after the time you left? A Yes sir, before we left.
Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
Q Now when was it that they came to the Cherokee Nation? A Well sir------

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On behalf of the Commissioner: Theobjection will be noted.

A Well I can't give the date when the came but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:
Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn,t go with them.
Q You didn't see them when they left there? A We went from that vicinity.
Q Did you see them when they left? A No sir.
Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? A The folks-
On behalf of the Commissioner: Answer his question, yes or no.
A I didn't know that they were coming down here.
Q You lost sight of them in the spring of 1866?- A Yes sir, that is what the folks said.
Q Now you are determined to say that? A Well it is just hereasy, the same as our neighbors, everybody knows.
Q Who lived on your place in 1867? A We lived there ourselves.
Q Did you have any tenant? A No sir.
Q Did you have any one in 1875? A No sir.
Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
Q What time did you move on this place in the summer? A In the spring, the first of March.

Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
Q You don't know where they were of your own personal knowledge?
A No sir.
Q Did they have any children? A Yes sir, one.
Q What was its name? A Its name has slipped my mind.
Q Boy or girl? A Boy.
Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
Q That had only one there and it was 5 or 6? A Yes sir.
Q That was Jeff and Mahala? A I don't know, it was called theirs.
Q Do you know where it was born? A No sir.
Q Did they have any born while there? A No sir.
Q You know that? A Yes sir, I know that.
Q This one you knew is 5 or 6 years old? A I judge it was.
Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:
Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

ON Behalf of the Commissioner: The objection will be noted.

A We have never lived on but one place, we live right where we moved when we went to housekeeping.
Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
A To the best of my knowledge it was.

BY MR. HASTINGS:
Q Was it a month after you moved on your place? A It was more than a month.
Q Two months? A I think it was, their well this Jeff just tended a crop that year.
Q You don,t know this? A I know they had to hire another hand, they said Jeff was gone.
Q In making that crop? A Yes sir.
Q Making a crop of corn? A Yes sir, a mixed crop I guess.
Q That is what you recellect about it? A Yes sir, I wasn't on tha t place, I just seen the family once in a while.

W I T N E S S  E X C U S E D .

On Motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A. M.

On June 22, 1908, in pursuance of continuance heretofore had in this case, the hour of 8:00 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q What is your name? A R. . Morris.
Q Where do you live? A Iola, Allen County, Kansas.
Q How old are you? A Past 61.
Q How long have you lived there? A A Little bit over 50 years.
Q Were you a soldier in the Civil War? A No sir.
Q Did you know a man by the name of Moses Hendrick, a colored man about war time? A Yes sir.
Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Moses.
Q Did you continue to know him after that time? A I did for a year or two.
Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Lorance.
Q Where were you living at that time? A Two miles northwest on Deer Creek.
Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Moses in town.
Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Moses.
Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
Q Did you know Butler McNair? A Yes sir.
Q Where did these other people live? Jeff Lyons, where did he live?
A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
Q Was that close in the neighborhood where you lived? A Probably five miles.
Q Where did Butler live? A On Deer Creek about 4 miles from me.
Q Where did Tom live? A On Coover's place, a mile north of where Butler lived.
Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
Q And where did they gokx, if you know? A I don't know, they left ~~xthere and said--they left there at that time along som~~ there and said--they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '68 that they left? A Well I was at that time a single man, I was married in 1867.
Q And about how long before you were married did they leave? A A year.
Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
Q Do you know when the Dan Herville house was built up in that community? A I couldn't say as to that, it was built in the early days.
Q You don't know what year? A No sir.

Mr. Gentry:

Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.

Q But you cannot remember? A No sir, I couldn't say what year.

Q You would not like to say from an independent memory? A No sir.

Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.

Q You perhaps know there was a colored man by that name? A Yes sir.

Q You don't know the members of his family? A No sir.

Q You don't know anything about the members of Tom Moore's family?

A I knew his wife, a girl Rose, an adopted girl.

Q How old was Rose? A She was just a little bit of a girl.

Q About what age? A Probably 7 or 8 years old.

Q Well now what place did Tom live on? A On Coever's place.

Q About how far was that from where you lived? A About 4 miles.

Q Well was that settlement around Iola pretty thickly settled?

A Yes sir, tolable.

Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.

You made no note or nothing of that? A No sir.

Q You are just testifying from your own independent recollection?

A Yes sir.

Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.

Q You are not going to state it here and swear positively as to that? A Only as to my recollection.

Q You have no record guide you? A No sir.

Q And the same is true of Butler McNair? A Yes sir.

Q And of the others you have testified? A Yes sir, I would not attempt to say positively.

Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.

Q It is possible you could be though? A Yes sir.

Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.

Q You have got nothing that connects your marriage with them? A No sir.

Q They didn,t attent your marriage or anything of that kind? A No sir.

Q I mean did work for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.

Q Well I know, you often times thought have help around there? A They would have been there at the wedding.

Q I say there is nothing in the way of the cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.

Q As I understand you these were colored people living there in the country that you knew? A Yes sir.

Q You knew a great man there, colored people there? A Yes sir.

Q And these people dropped out of your sight about the time you indicated? A Yes sir.

Q You are not going to testify as to where they went to? A No sir.

Q You never saw them in the Cherokee Nation until recently? A No sir.

Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.

Q Might for aught you have? A Yes sir, we might meet in the happy hunting ground.
Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
Q That is all dropped out of your sight? A Yes sir.
Q You were not there when either of them left? A No sir.

BY MR. PATTEN:
Q You were more particular acquainted with Mose Hardick? A Yes sir, Mose more particularly.
Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in thefall of 1866.
Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being hersay.

On Behalf of the Commissioner: The objection will be noted.

A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X A M I N E D.

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Calvin Ross.
Q How old are you? A 66, 67 next spring.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A I have been there ever since the war.
Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
Q Did you know Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Did you know Tom Moore? A Yes sir.
Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
Q Did you go up there with them? A Yes sir.
Q Were you in the Territory here before the war? A Yes sir. raised right over here on the Grand River.
Q Did you go to Kansas with that party up tere? A Yes sir.
Q Where were you living in the year 1866 after the war? A Up there
Q Where? A Iola.
Q How far from Iola? A Right in town.
Q Do you know where Mose Hardick was living then? A Yes sir.
Q Where? A On the Lorance place.
A Do you know where Jeff Lyons was living? A On the Cowhorn place.
Q Do you know where Butler and Tom were living? A I don't exactly know, I know t hey lived on Deer Creek there.
Q Do you know when Mose Hardick and Jeff Lyons left the community up there? A Yes sir.
Q When did they leave? A Along about '66 along about the fall like.
Q Do you remember about what month or what time of the year? A Well it was fall of the year, latter part of August somewhere along there.

Q That was in the year 1866? A Yes sir.
Q Where did they go, if you know? A Well they started down here they said to the Nation.
Q Have you lived in that community almost every since? A Yes sir.
Q Have they ever been up there since? A I haven't seen them, never saw them until yesterday.
Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross. A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:
Q You are the same man that applied here for citizenship? A Not this court.
Q Yes to this Commission? A When?
Q Well are you? A No I aint applied for anything in this court here.
Q Did you ever apply? A I did in the Wallace court.
Q About four years ago? A No sir, not 4 years ago.
Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
Q Who were your witnesses? A Why old man John Martin.
Q Did you draw money from the Wallace Court. A Didn't get nothing not five cents.
Q Did you make application to the Kern Clifton Commission in 1896?
A No sir.
Q Did you live in Iola, in the town of Iola? A Yes sir.
Q Where did Moss live? A On the Lorance place North of town, north west.
Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit time run out.
Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the later part.
Q Did Butler McNair leave at the same time? A Yes sir he and Tom Moore.
Q All of them go ? A Yes sir.
Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
Q You never come in 1866 yourself? A No sir.
Q What was the first time you come here after the war. A Time of the Wallace Court.
Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
Q Did you apply for it? A I went to enroll and they----
Q Did you get on? A Yes sir, they said I was on it.
Q Did you get any money? A No sir, they took my name off.
Q You don't know what year that was? A No sir.
Q Are you married? A I have been.
Q What year were you married? A '70.

Q What were you doing up until 1870, you never was married? A What was I doing before I married.
Q Yes, were you working up there? A Yes sir.
Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
Q Were you ever here after you came to make application before the Wallace Court? A I have been down on a visit, that is all.
Q What year was that? A I was down here last year.
Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
Q Do you remember the exact year you were here? A No sir.
Q You don't know about these dates? A No sir no learning at all, I am no scholar.
Q Can you sign your name? A No sir.
Q Can't read nor write? A No sir.
Q You are a colored man? A Yes sir I am colored.
Q You were a slave yourself? A Yes sir.
Q To whom did you belong to? A Lewis Ross.
Q Where is that other Calvin Ross up there? A He lives at Vinita.
Q Did he used to live at Iola? A Yes sir, I suppose he did.
Q Don't you know? A Yes sir.
Q Did Wardrick have some children up there in Kansas? A Yes sir. I think he had some.
Q How many did he have? A I don't know that? That is something I never paid any attention to, him nor anybody else.
Q Did Butler McNair have any children? A Well I don't know that.
Q Well did Jeff Lyons have some? A Yes sir, he had some. I recollect a couple of girls that was his wife's children.
Q What were their names? A One named Peggie and Am-na-ki, by a man named Ike.
Q Did Jeff have any children by her? A Yes sir, he had children by her.
Q Up there? A Yes sir.
Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
Q Don't remember his name? A No sir.
Q Have you lived continuously in Iola ever since? A Yes sir.
Q In the same town? A Right there in town been nowhere else.
Q Were you in the army? A Yes sir.
Q After you were mustered out you justlived continuously in Iola?
A Yes sir, right there.
Q Is the wife you married in about 1870 living? A Dead.
Q When did she die? A She has been dead about 12 years I believe.
Q Do you remember the year she died in? A No sir.
Q You don't remember? A No sir, I don't know anything at all about such things.
Q You don't know anything about dates? A No sir.
Q You don't remember the date she died? A No sir.
Q You are not going to testify about dates? A No sir.
Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
Q Did you have some children born to you? A No sir.
Q Never had any children at no time? A No sir, never did.
Q You are just testifying now from independent recollection? A What I tell is what I recollect.
Q But you have justsaid you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

Q But you don't know what year your your wife died? A No sir, I don't know that.
Q You don't know what year you came down here to make application to get on the Wallace roll on you? A No sir, I don't recollect that date at all.
Q See from 1866 up to the present here can you name any date upon which any event occurred. See all between those years 1866 to 1906? A Well I don't know that that is.
Q Do you know anything occurred in 1874? A I don't know that.
Q Do you know anything occurred in 1886? A I never paid attention to such things.
Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
Q When were you asked to testify in this case? A I was up at Iola.
Q Who come to see you about it? A I don't know the man.
Q Well who was it? A I don't know but he was--I guess you all know him better than I do.
Q Who subpoenad you to come down here A Why it was a Government man, he said he was doing Government business.
Q Did he say he was a Deputy Marshal? A Yes sir.
Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come here.
Q Did he read a subpoenas to you? A No sir he didn't read anything
Q Did he say he had one? A He didn't tell me that neither.
Q What was his name,--Parrymore? A I don't know.
Q Was that his name? A I never heard the man's name called.
Q But without knowing who it was or anything about him, you come?
A Yes sir, I don't know anything about his name he never told me his name at all, he told me what day to come.
Q What year is this? A 1906 I believe.
Q Are you certain.? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51 going on 52.
Q What is your post office? A Vinita.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Did you know Butler McNair in his life time? A Yes sir.
Q Did you know old man Tom Moore? A Yes sir.
Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
Q Where was he when you saw him? A Over there on Spring Creek.
Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime or the first of February.
Q January 1867? A Yes sir.
Q Where was he? A He was up on the River on the old DR. Thompson place where Wimer Thompson lives now.
Q What was he doing there? A He was living there.

Q [illegible] A [illegible] lot of them, [illegible]

Q What they was about? A [illegible] I [illegible] I [illegible] house, [illegible] several families living in that old house.

Q Was Mose Hardrick living in the [illegible] house from [illegible] the last of January 1867? A Yes sir, only place he my remember.

Q Never been living anywhere else? A Not as I know of.

Q When was the first time you saw Jeff Lyons after the war? A [illegible] that was in 1867, sometime in January.

Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.

Q In the Dr. Thompson house? A Yes sir, in that house.

Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there, working there.

Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:

Q How old are you now? A 81 years old, going on 82.

Q You were just a boy then? A Yes sir.

Q How old were you then? A I suppose I was, I don't know, about 11 years old, 10 or 11.

Q You were a slave yourself before the war? A Yes sir.

Q What is your wife's name? A Nelle Davis.

Q What was her maiden name? A Nelle Bains.

Q Is she an applicant for citizenship? A She was born and raised in Texas.

Q Is she an applicant for Freedmen citizenship? A No sir, she is an intermarried, she is a Sioux woman.

Q Were you ever married before? A No sir, this is the first one I ever married in my life.

Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled I moved from Fort Gibson up there.

Q When did you go from Fort Gibson? A Sometime in the summer.

Q On whose place? A Our own place.

Q Who was with you. A My Uncle.

Q Who was he? A William Tucker.

Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.

Q Who made one on the Bob Daniels place in 1867? A I don't know about that.

Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were some children, I think he did though.

Q Did Mose Hardrick have any? A Yes sir.

Q How many? A I don't recollect, had several of them,---Jeff Lyons, lets see---

Q I am asking about Mose now? A Well he has had so many children I don't recollect.

Q Well at that time? A Yes sir, I think he did.

Q Now what children did he have? A I know of one, Eliza.

Q Did he have any others? A Yes sir, two or three more there.

Q What were their names? A I don't recollect--there was Josiah.

Q He had him there when you first saw him? A No sir, he didn't have him then.

Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.

Q Well after Christmas, which once did you see? A Well I say there was Eliza.

Q What was the next one? A Well I don't recollect, he had several children.

Q How many did he have? A I said I don't know.
Q Don't recollect that? A No sir.
Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
Q You can't tell about that? A No sir, had two or three, 3 or 4 there were lots of children there.
Q You were only a boy yourself, you would have known children? A Yes Sir, that is how come me to know them, I played with them.
Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I can't recollect all of them.
Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
Q You didn't belong to the same people these people did before the war? A No sir but I knowed them.
Q You were only 5 or 6 years old during the war? A Yes sir.
Q You were born in 1855 or 1854? A Born the 27th of March 1855.
Q Was Tom Moore at this Thompson place? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What was her name. A I don't recollect.
Q Was she there? A I don't recollect.
Q You cannot recollect, it has been so long ago? A No sir.
Q Where did you live in 1867? A On Spring Creek.
Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
Q Where did you live in 186 ? A On Cabin.
Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Called it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
Q Were you down there in 1868? A Yes sir, I think I was there in 1868, come around by there.
Q Who cultiavated that place that year? A I don't recollect.
Q Do you know who cultiavted it in 1870? A No sir.
Q Do you know who cultivated the Bob Daniels place in 1866? A No sir.
Q Do you know who cultivated the Lynch place in 1868? A Which one of the Lynch places.
Q Lon Lynch place belonged to his father? A No sir, I don't .You see I didn't live up there with them people at all.
Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went withthem.
Q Are you certain you saw Butler McNair up there at that time?
A Yes sir,--well I wont be positive.
Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I wont be positive about Butler McNair
Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
Q Now lets commence again, what children did Mose Hardrick have up there at that time? A I know he had Eliza.
Q The others? A It seems he had a girl, I forget, I know he had two or three.
Q Nels Moore living there at that time? A Yes sir.
Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
Q What others lived there, now named them all? A I have named all I recollect of.

Q Now let's go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
Q It is a long time to testify about? A Yes sir.
Q And you don't want to be positive about that? A Yes sir I am positive I saw Uncle Wese Hardrick there because I knew him so well.
Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Wese Hardrick's children.
Q Well who else? A I seen Aunt Sallie Lyons.
Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
Q What was her name? A I think it was Aunt Sallie.
Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
Q His mother was named Sarah? A Not Sarah, I think it was Sallie, it has been so long I forgot,—No Wahala that was it.
Q Who told you? A I just happened to think of it.
Q You just heard one of the boys back there say it, didn't you?
A No sir, but that was her name.
Q She was living there then? A Yes sir.
Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Wese and them people I knew personally a long while.
Q You are ready to testify about them. A Yes sir, you too.
Q But you are not ready to testify what children Wese had? A Yes sir, I am testify to that.
Q Give them here? A I cannot give them all.
Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
Q Did he have any others? A Yes sir, two or three more.
Q What were their names? A I don't recollect it, --there was Cy.
Q He was there at that time? A I don't recollect whether Cy was the there at that time. I knowed Uncle Wese had two or three children but that was Eliza, she was the oldest.
Q What I am trying to get at, you say Wese had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January 1867?
A I don't recollect the names.
Q But know he had them? A Yes sir, I know he had them.
Q Was he living up stairs or down stairs? A I don't recollect that.
Q Do you remember who was living up stairs? A No sir.
Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
Q You don't know who was living there on the Lynch place, Len Lynch's father? A No sir, I didn't live up in that country.
Q You don't know who lived on the Johnson Thompson place? A No sir I don't, it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
Q You couldn't say that? A No sir.

Q When did you first see him by there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson but all my along somethin in '70, in '72.
Q When did you know of his living there, lots of time you knew of a man living there but not personally acquainted with him? A Well I would know I knew he was living there along in '70.
Q That as the first time you ever saw him there, that is what I am asking you? A I don't recollect.
Q You don't recollect that? A No sir.
Q How far is the Johnson Thompson place from the Dr. Thompson place?
A Well I don't know that, it isn't very far I ough.
Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the River and the Johnson Thompson place on the other.
Q What side of the river is Dr. Thompson place? A On the east side.
Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
A And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER:
Q Are you related to Mose Hardrick? A None at all sir.
Q Are you related to Jeff and Mahala Lyons? A No sir.
Q Mike Moore? A No sir.
Q How far did you live from them before the war, Mose Hardrick?
A It was, I expect 45 miles.
Q When was the last time that you saw him before the war?
A Well sir I think it was just about the year the war commenced, or the year before the last time I seen Uncle Mose.
Q Where was it? A He was up there at our place.
Q Do you remember what year it was? A Yes sir, I think I do.
Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
Q He was at your place? A Yes sir.
Q Was any one there with him? A Yes sir, several of them.
Q Name them? A Lets see, there was him and Uncle Jim French, and my eldest brother, Ab Davis, my mother and Charley Davis.
Q What were they doing there? A Well I don't recollect.
Q Just visiting? A Yes sir, he was justthere, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
Q Do you remember him being at your place before that time? A Yes sir.
Q Can you name another time he was there before this? A Yes, sir, I can recollect him ever since I have been big enough to recollect.
Q The last time you remember seeing him before the war was in 1860?
A Yes sir, somewhere along there, '59 or '60 about the time the war commenced.
Q Do you know where he went from your place? A No sir, guess he went back home.
Q Did you see him any more until you say you saw him in January 1867? A Yes sir.
Q When? A I seen him sometime along in December of 1866?
Q Did you see any other freedmen up there about that time? A Yes sir.
Q Name them? A Well I cannot name all. There was several of us.
Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Moses Musgrove.
Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
Q You were how old then? A About 10 or 11 years.
Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime before Christmas.

Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
Q Could you read and write at that time? A No sir.

BY MR. WYMAN:
Q About this Bob Daniels place, how many Daniels places were they around the country? A I don't know, I didn't very well acquainted with the Daniels place.
Q Were you very well acquainted with this Lee Lynch place in 1879? A No sir, I wasn't around there very much at that time. 15 or 16 miles from there.

BY MR. MAYLINE:
Q Was Rose Maverick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
Q You don't have any idea about that? A No sir, I couldn't say. I didn't live within 40 miles of him.
Q You don't know whether he had a wife before the war or not? A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

WITNESS EXCUSED.

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A William Bird.
Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness, William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 16, that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearings are not required previous to the introduction of such witnesses.

On behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Moore, Stone & Patton, Attorneys in this case dated June 17, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al, the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., In view of the advice to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. BARNES:

Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catale.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q How were you acquainted with Moses Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Moses Hardrick after the war? A I remember seeing Moses Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyons about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
A Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Moses Hardrick move over there before or after Jeff? A After Jeff, he was there first.

Q How long after Jeff moved on that place did Moses Hardrick move there? A I don't know.
Q Was it a long time or short time? A It wasn't so very long after he came I don't suppose. I would not be positive just how long.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Cynthia Lyons? A Yes sir.
Q Did they have a school in that neighborhood about that time? A Yes sir.
Q Where did they have that school? A At old Johnson Thompson's place.
Q Who taught it? A Cynthia Lyons.
Q What time? A In the spring.
Q Do you know about when that school started? A No sir, it was in the spring.
Q Did Mike Moore go to that school? A Yes sir.
Q Did you? A Yes sir.
Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, Mike went there then.
Q And that was when? A That was in the spring.
Q Of what year? A '67 or '66, '67 I think it was.
Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
Q When was that? A In March.
Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:
Q Moses Hardrick ever lose any other children? A Any of his children.
Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
Q After that? A Just before or after that.
Q What year did the other one die? A I don't know.
Q Don't have any idea about that? A No sir, I don't know.
Q You don't know whether it was one year before, or two years after?
A No sir, I don't.
Q It may have been 8 years afterwards? A ' couldN't tell.
Q You have got no idea about that? A No sir.
Q You had no education before this, you couldn't read and write at this time? A No sir.
Q You would not like to be positive about this like that? A No sir.
Q Did Moses Hardrick lose any children? A Not that I know of.
Q Did Jeff Lyons ever lose any? A Not that I know of.
Q Did Nels Moore ever lose any? A Not that I know of.
Q Did anybody else in that country ever lose any? A Not at that time you speak of.
Q I don't mean at that time, did Moses, Jeff or any of your neighbors in that country at any time after that have any children to die? A They had some to die.
Q Who? A I don't know, Moses Hardrick might have lost some too.

Q Well how long afterwards? A I couldn't tell you.
Q Don't you know the date when lost his children? A No sir, I don't.
Q But they were after that time? A Yes sir, I suppose they were.
Q Well how long did you live there in that neighborhood after that?
A Why we moved away from there, we didn't live so long awhile before we moved away.
Q About how many years? A I guess it was a year, or it may have been a little longer.
Q May have been two or three years? A Yes sir, before we moved away from there, we not quite that long, probably a year or two years.
Q Probably two years? A Yes sir, before we moved away from there.
Q How far did you move from there? A I don't know.
Q In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
Q How far from this Thompson place? A I don't know just how far.
Q About 5 or 6 miles? A Yes sir, I guess it was.
Q Do you know what year you moved down there? A No sir, I don't.
Q How long did you live down there? A About two seasons.
Q Do you know what year you left down there? A No sir.
Q It is a pretty long time ago to testif, about things that happened then, aint it? A A good while.
Q Were you married afterwards or were you married at that time?
A Married afterwards.
Q What year were you married? A I was married in, I would not be positive, I was married in '74.
Q You would not be positive about that? A I think it was.
Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
Q That is when they made the Wallace Roll? A I think it was.
Q How when did they make the Kern-Clifton roll? A I disremember, I wont be positive about that.
Q You don't know what year the freedmen dres their first money do you? A No sir, I don't.
Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
Q In that same year of 1880? A I think they paid off money that year.
Q What time of the year? A I don't remember.
Q You don't recollect it? A No sir.
Q Don't know whether it was spring, fall, summer or winter? A No sir.
Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
Q Don't you have any idea? A No sir.
Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
Q He was afterwards a merchant up there? A He was?
Q Wan't he? A I suppose so.
Q Don't you know that? A They say he was a merchant.
Q Didn't you never see him? A I saw him at a distance but never went to his store.
Q Didn't you never know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
Q How far were those two places apart? A They are not very far apart, the river is between them.

Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
Q Don't have the slightest idea about it? A I could have a slight idea but that would not do me any good to tell it.
Q What is your judgment about it? A I don't know, I couldn't tell you.
Q You have got no judgment at all about it? A When he returned?
Q Yes? A No sir, I have seen him.
Q How did Moses come down there? A I couldn't tell you.
Q You don't have any idea? A No sir.
Q Did he have a wife? A Not when I saw him.
Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
Q As much as 3 or 4? A I don't know.
Q Is that your judgment? A I couldn't tell you when I saw Moses Hardrick, I saw him personally——
Q How many years after that before you saw his wife and family?
A I guess probably a month, or two or three months when I saw his family.
Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
Q When did you leave the Dr. Thompson place? A I don't know.
Q How long after Christmas? A Quite awhile.
Q Two or three months? A I couldn't tell just when it was we left that place.
Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
Q There on the Thompson place? A Yes sir.
Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
Q And you yet hadn't seen Moses Hardrick's wife when you left that place? A Yes sir, I was at my aun't before.
Q That was after you left the Thompson place? A Yes sir.
Q Then that was after March? A I suppose so, when I saw his wife.
Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
Q Anybody else with him? A Nobody with him when I saw him.
Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
Q Where did he come from? A Come from across the river when he come there.
Q He wasn't living in that house? A No sir, not the first time.
Q He wasn't living there until after you left? A After we left he moved there.
Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
A No sir, he wasn't there when I left, I suppose he moved in after we left.
Q Well you never saw Jeff Lyons there at all? A Yes sir.
Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
Q Did he have his wife? A Yes sir.
Q The first time you saw him? A Yes sir.
Q Where were they living? A Right there on the same place.
Q On the Thompson place? A Yes sir.
Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
Q That was Jeff? A Yes sir.
Q What was Jeff's wife's name? A Patience.

Q That was Jeff Lyons's wife? A Dorcia I mean.
Q Now you say it was Dorcia, you see her? A Yes sir.
Q Did you see Butler Hardrick there? A No sir.
Q You didn't see Tom Moore? A No sir.
Q They never came there while you were at the Thompson place? A No sir.
Q But if I remember right, you lived there at the Thompson place until after they started back, there, and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.
Q You don't know where Mose came from when he came there? A No sir, I don't.

ON BEHALF OF THE COMMISSION:
Q How old are you? A I am 54 years old.
Q Your post office address? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? A Yes sir.
Q What are their names? A Louvina Downing, Henry, Walter, Maggie and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Dunman or Jennie Downing? A Jennie Downing.
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

W I T N E S S  E X C U S E D .

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife, Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down where? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight. as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a month or such a matter, Maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HARRISON:

Q Where did you see them? A At the Mr. Thompson place.
Q They were living there with their wives? A No sir, I didn't see their wives.
Q Didn't have their wives? A Not over there.
Q How long did you stay there? A Just a very short while, about two or three hours.
Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
Q No? A I am positive it was the same time right after the Neres Creek fight.
Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know just the date when it was.
Q You were a slave? A Yes sir.
Q You couldn't read and write at that time? A No sir.
Q You didn't have any education at all? A No sir.
Q How many years afterwards before you saw Moses wife, as many as two or three years? A No sir.
Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
Q As early as October? A Yes sir.
Q Well it was before it got cold weather? A Yes sir, when I first seed Moses.
Q The leaves were not dead on the trees then? A About just about the first frost.
Q But you didn't see Moses wife? A No sir, not at that time.
Q Was he living there at that time? A Don't know as he had, I don't think he was.
Q You don't think his family was there? A No sir, I don't know as it was.
Q Did you know Moses before the war? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
Q You didn't see Jeff Lyons' wife? A No sir.
Q Make any inquiries about her? A No sir.
Q Did you know her before the war? A Yes sir.
Q What year was the Wallace roll made? A I don't just remember.
Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
Q Old slaves don't remember these dates very well? A Old slaves remember anything in this country, about when '66 was.
Q You all remember 1866? A I do.
Q You all know you have got to testify to as to 1866? A Yes sir.
Q And that has been talked to you for 10 or 15 years? A Yes sir.
Q It was talked to you when the Wallace roll was made? A Yes sir. before that.
Q What year were you married? A I don't remember, never kept no record of it.
Q Have you got any children? A Yes sir.
~~Q Have you got any children? A Yes sir.~~
Q Do you know what year the first one was born? A No sir.
Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
Q You don't know when your second child was born do you? A No sir, I don't remember.
Q How any did you have Joe? I believe I have got 14.
Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
Q So you don't know about any of the dates of their birth? A I don't remember.
Q Did you ever lose any children? A Yes sir.
Q Was it your oldest one? A No sir.

Q You don't remember what year he died, do you? A No sir.
Q Did you hear some time ago? A Yes sir.
Q How many years ago he died, just? A [illegible]
Q How long look for? A [illegible] sir.
Q You don't know how old he living? A No sir.
Q And it all vegetables and have look of? A Yes sir.
Q Do you know the year any one of them died? A No sir.
Q You don't know any of them years no year? A Yes sir. I don't probably know track of some of the years now, but I had to know keep track of 'em.
Q That is all you kept track of? A That is all I tried to keep track of.
Q Who came to you and talked to you about testifying in this case? A Nobody.
Q Nobody never talked to you at all as to what you would testify? A I don't remember any person.
Q Don't remember any person ever talking talked to you about testifying in this case? A I don't remember nobody.
Q Well now you are positive about that? A Yes sir, I am positive about it.
Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Wade, I believe it was Wade asked me if I would testify in his case.
Q When did you see Wade, yesterday? A I saw him yesterday and I saw him sooner.
Q When did he first talk to you about testifying in this case?
A It has been about two months ago.
Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
Q And you don't remember how long it was after you first saw Wade before you saw his wife? A No sir, I don't remember how long it was.
Q May have been two or three years? A No sir, it wasn't that long.
Q May have became year? A I don't think it was that long.
Q You are not going to be positive about that? A No sir, I won't be positive.
Q How long was it before you saw Jeff's wife after you saw JEFF
A Saw them about the same time.
Q The two women? A Yes sir.
Q Did they have any children then when you first saw them? A Yes sir.
Q How what children did Rose Have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
Q Did Jeff have any children? A Yes sir.
Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
Q How far did you live from the Dr. Thompsons place? A 8 miles.
Q Were you over up there after October? A Yes Sir.
Q When was the next time you were up there? A It was -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
Q March, April or May? A Yes sir, it was in May. I think as well as I remember. Corn was up pretty good.
Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
Q Did you see her there when you were there the first time? A I don't remember.
Q Did you see Nels Moore? A I don't remember seeing him.

Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 5 miles south? A I stayed on Greg Lynch's place.
Q Was Greg down there at that time? A Yes sir, he was on the old Arsenale place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson. A Yes sir.
Q Was he living up there just across the river from this Dr.Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR. STAND:
Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.
Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:
Q Have you ever testified in this case before? A No sir.
Q How far do you live from Moses Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 5 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in east? A Yes sir.
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

WITNESS EXCUSED.

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Zep Downing.
Q About how old are you? A About 56 years old.
Q What is your post office address? A Catale.
Q Where were you living in the winter of 1866? A I was living on Grand River.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

Q February, 1866? A Yes sir, as near as I can come at it, a way in the winter.
Q Along in what winter? A Winter of '65, along about February, latter part, might have been before.
Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
Q Where did you see him? A I saw him up there at the Thompson Place.
Q What Thompson place? A Dr. Thompson place.
Q Did you ever go to school there? A Yes sir, I went to school there.
Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
Q When was that school going on there? A Something along near that time or little after, along about that time
Q About what time? A February or March, something along there.
Q Now that was February or March of what year? A '66, that is as near as I can come at it.
Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
Q When was the first time you saw Moses Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Moses Hardrick, must have been alongin the latter part of that month, but it was shortly after wards, it was in the winter.
Were they moving in there or living there? A They were moving in.
Q Do you know where they were moving in? A They were coming from across the river.
Q You say that that was in February, or about February I believe, 1866? A Yes sir.
Q Did that follow the year 1865 or was it, —I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
Q That followed then the Christmas of 1865? A Yes sir.
Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:
Q Can you read and write? A No sir.
Q Never could read? A No sir.
Q You were a slave yourself? A Yes sir.
Q Did you know Jennie Downing, who was on the stand? A Yes sir.
Q She is your wife? A Yes sir.
Q Where were you living at the time you say you saw Jeff Lyons first?
A I was living down in the bottom below old Dr. Thompson place.
Q How far? A About 3 miles.
Q Did you see Andy Frye up there at that time? A Yes sir.
Q Did you see Nels Moore up there? A Yes sir.
Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie your wife now? A Yes sir.
Q Do you live together? A Yes sir.

BY MR. PATTEN:
Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

Q See which one it? A Yes.
Q When did you move on that Thompson place or in that neighborhood, where you were living? A In '66.
Q What time of the year? A Along in the fall. My father was already living there.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q You are certain that that was February 1866 and not February 1867? A It was February '66.

W I T N E S S E E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Thomas H. Moore.
Q What is your age? A 55
Q What is your post office? A Ketchum, I.T.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was the , or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of the Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war?
A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About January I reckon.
Q Where was he then? A He was up at the Thompson place.
Q Did you see Wese Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is on Dr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Wese Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Schrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

Q Of what year? A '66.
Q He lived there in 66 did he? A Yes sir.
Q Was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
Q Was there any school taught there? A Yes sir.
Q Who was the teacher? A Mrs. Lynch was, she was—
Q What is her first name? A Cynthia Lynch.
Q Did you go to that school? A Yes sir.
Q Do you remember Mike Moore, whether he went to that school or not? A Yes sir.
Q When did he go to that school? A That spring of '67 as near as I can remember.
Q Did he go all of the season? A Yes sir.
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring they were farming there, all making crops there.
Q Did Butler McNair have his wife with him when he come down here? A No sir, I don't think he did.
Q When did she come? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Why later, after that.
Q Good while afterwards? A Yes sir.
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
Q When did she come? A I think the next fall after he made a crop.
Q Did he go back to Kansas and get her. A Yes sir.
Q Where did Butler McNair move when he left the Dr. Thompson place? A Down the river some place to the old home place where he used to live.
Q Where did Tom Moore go to from there? A Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:
Q What year were you born? A 1851.
Q You was just a boy then at the close of the war? A Yes sir.
Q You were a slave were you? A Yes sir.
Q Could you read and write when the war closed? A I couldn't very much, have learned a little since then.
Q I said when the war closed? A No sir.
Q Did Andy Frye have any children to die besides Harvey? A I don't know.
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
Q How long after Harvey died? A I don't know.
Q Two years or 10? A I don't know.
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
Q Do you know who dug the grave? A I wasn't there. I was at the burying.
Q At the other children? A I was at the burying when they buried Joe.
Q Was he a girl or boy? A He was a man.
Q Do you know when he died? A I don't know the year.
Q But you were at his burial? A Yes sir.
Q You were there in the neighborhood when he died? A Have been there all my life.
Q You don't know who dug that grave? A The neighborhood dug it there, no certain person.

Q Well did these Hardrick graves and children belong to them? A Yes sir, we had our dead children.
Q What were their names? A One dead named Minnie
Q Was she buried in these graves for these Hardrick's children? A Yes sir all the neighborhood the men around there.
Q You don,t know who did it? A Just all of us.
Q No particular one? A No sir, a whole lot of us.
Q What year was it? A Somewhere a war took yonder in them days.
Q How you come in it years of when either of them died?
A This girl when she died she was about grown, and I guess it was been about that long since she died.
Q It has been about that long? A May be longer, I don't know.
Q I am asking you if you can give us an estimate of which I F years of when she died? A I don,t know when she died or anything like that.
Q Didn't keep any record of these dates? A No sir.
Q Are you related to Rose Hardrick? A No sir.
Q Are you related to Jeff Lyons? A No sir.
Q Are you related to these Moore children? A Yes sir.
Q Do you know Mike Moore? A Yes sir.
Q What kin is he to you? A Yes sir.
Q You know his mother Wahala? A Yes sir.
Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
Q Then about how old was Mike when the war closed? A I don,t know, might have been 7 or 8 years old, maybe older, I don't know.
Q What is your best judgment? A About 8, maybe 10.
Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
Q You don,t know what year he was born? A No sir.
Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
Q What place did you come to? A Stopped at Johnson Thompson place.
Q How long did you stay there? A About four weeks.
Q Then where did you go? A Moved across the river to the Bob Daniel's place.
Q Was that across the river? A Yes sir, on the south side of the river.
Q How long did you stay there? A I don't know exactly how long we stayed there, just a shor t time.
Q Where did you come to from there? A Fort Gibson.
Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
Q Stayed there from the wint r of 1866 until the sprin- of 1867?
A Stayed there until the spring of '66, until the winter of '66 to the spring then we moved back.
Q Then you remained in Fort Gibson until the spring of '66? A No sir, we were up-------
Q How long did you remain in Fort Gibson? A Stayed there,-- we remained there a couple of months maybe a little longer, I don,t know.
Q Well what time did you go there? A Went there that winter. Winter after Christmas and stayed there until sprin-, then we moved back up to this Daniels place.
Q To the Bob Daniels place? A Yes sir.
Q Which Bob Daniels place did you move to? A The oneon the east side of the river.
Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

Q How about what time in the spring did you go on this Daniels place? A It was along the time to farm, to make a crop.
Q Did you make a crop there in the spring of 1866? A Yes sir.
Q Where were you in the spring of 1867? A Where on this same place.
Q Did you make a crop there in the spring of 1867? A Yes sir.
Q When did Bob Daniels come back? A In the fall of '66.
Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
Q About what month? A I don't know what month.
Q What was Bob Daniels' wife's name? A Ann Daniels.
Q Did he have any children? A Yes sir.
Q What were their names? A One, Dick, Tommy, Isaac.
Q Mrs. Strout one of them? A Yes sir.
Q She was up there when you moved out? A Yes sir, and Susie was one of them.
Q They moved in there in the fall of 1866 when you moved out?
A Yes sir.
Q About what month was that? A It was in the fall.
Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
Q What time was it Jeff come there? A In the winter.
Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and these others?
A They were all living there.
Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
Q Well now you moved out of the Bob Daniels house in the fall of 1866? A As near as I remember.
Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
Q A log house or cabin? A Yes sir.
Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived, there before that.
Q Haven't you swore that you never saw them until the winter? A Saw them the winter of '66.
Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
Q Now don't the fall come before winter? A Yes sir.
Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that. Them people were all living there before we moved out.
Q You moved out of the house in the fall of 1866? A Yes sir.
Q You are a half brother of Mike, are you? A Yes sir.
Q Are you any kin to Nels? A Yes sir.

Q Have you and Dale been here discussing the case? A No sir.
Q Didn't I see you out half an hour ago down there talking about it? A I don't know whether you did or not.
Q Were you not? A I don't know.
Q Do you deny talking about it? A No sir, might have been talking about something else.
Q This same man Dale is a witness here? A Yes sir.
Q You have talked about it? A Yes sir.
Q You and Andy Frye have talked about it? A Yes sir.
Q Are you married? A Yes sir.
Q Certain of that? A Yes sir.
Q I am glad you are certain of something. What year were you married? A Married in '91.
Q Was that the first time you were ever married? A Yes sir.
Q Then you lived single up until that time? A Yes sir.
Q Just went from place to place up there? A No sir.
Q Do you know when the Wallace roll was made? A Yes sir.
Q What year? A Made in 1892.
Q Who told you? A I was there.
Q Did Cale Starr tell you today? A No sir, I was there.
Q Has he ever told you? A Has he?
Q Yes, in the last few days? A No sir, he didn't tell me.
Q Has it ever been discussed? A No sir, I don't know nothing about it.
Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
Q Then where did you go? A Right where we have been living ever since.
Q How far is that from them? A About three miles.
Q What direction? A Why it is northeast.
Q What time did you mo ve up there, what time of the year? A We moved up there in the spring.
Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
Q It is a long time ago aint it Tom? A Yes sir.
Q You were a small boy at that time? A Yes sir.
Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:
Q When did you say you were born? A '51.
Q You were about 15 years old at that time? A Yes sir.
Q Now was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
Q Where were you living when Harvey Frye died? A Living where I live now.

Q Well now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
Q Now about the school when Harvey died, did they teach school that day? A No sir.
Q Turned out school on that occasion? A Yes sir.
Q Did the pupils going to school attend the funeral? A Yes sir.
Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to school.

BY MR. HASTINGS:
Q That was after you moved off of the Bob Daniels place? A Yes sir.
Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
Q About how long after that? A It was along in February, that spring, the spring of '67
Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:
Q When did Bob Daniels move up there? A He moved there thatfall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Simon Lynch.
Q How old are you? A 76.
Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:
Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
Q Convicted? A Yes sir.
Q Served your time? A No sir, I didn't .
Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
Q Didn't you work it out for individuals and you worked of Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
Q Did you ever swear that before on the stand? A No sir, but I was.
Q What year was that? A I don't know what year it was.
Q Was it since the war? A yes sir.
Q How long after the war? A I don't know.
Q Don't have any idea? A No sir.
Q Was it after the Cherokee Jail was built or before? A Afterwards.
Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
Q How long were you sentenced down there? A Year.
Q What Judge tried you? A I forget what one it was.
Q What Chief reprieved you? A Ochelata.

BY MR. PATTON:

Q You testified I believe didn't you in the Hayfield that you were purchased by Cherokees? A Yes sir.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Jeff Lyons? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know when was the first time you saw Moses Hardrick after the close of the war, about the time? A I don't know exactly the time.
Q When was it and where was it? A Upon Grand River.
Q About what time of the year? A About in February, I believe, the first of February I think I saw Moses first.
Q Where was he living? A Living over there at Dr. Thompson place right close there in abouse.
Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
Q That was about when did you say? A Just awhile before Christmas.
Q You say you saw Jeff Lyons one place and Moses Hardrick another there, was that on different sides of the River. A Yes sir.
Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
Q And at that time where was Moses Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:

Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
Q You don't know what year you were reprieved? A No sir I don't I can't keep no record of that, never did, couldn't.
Q Couldn't do that? A No sir.
Q You don't know one year from another, do you? A Yes sir, I do.
Q Can you read and write? A No sir.
Q You were a slave yourself? A Yes sir, I was.
Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
Q Did he move out of there in the fall of 1866? A Who?
Q Tom Moore, A I don't just know when he did move out of there.
Q You don't remember about that? A No sir, I lived at another place.
Q How far did you live from there? A About four miles.
Q Were you married then? A Yes sir.
Q Have you had any children born since? A Yes sir.
Q Since then? A Yes sir.
Q When was the first one born? A I don't know that.
Q How many have you had born since the war? A Three I believe.
Q When was the second one born? A I don't know, I can't tell you.
Q When was the third one born? A I don't know that either, never kept no record of no time.

Q Did you ever have any renters on your place? A Yes sir.
Q What renter was on there in 1868? A I don't know.
Q What renter was on there in 1870? A Were one, myself.
Q Was any there in 1866? A Yes sir.
Q Do you know when Bob Daniels came back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I don't keep no record of anything of that kind. Now I know how old I am is about my owners putting it down.
Q That is about the only date you know? A No sir.
Q You know what year Johnson Thompson come back up there? A I knew when he first come.
Q What year did he move up there? A I don't know, I seen him when he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war? A Yes sir, knowed him good.
Q He moved right across the river from Dr. Thompson's place? A Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
Q Could you tell within two or three years of when he come? A No sir, I don't k believe I could.
Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don 't know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first saw these people? A He come in about the same time.
Q Before Christmas, 1866? A Yes sir.
Q What was Butler's wife's name? A He didn't b ring her there with him, he left her in Kansas and come down here and made a crop.
Q What was her name? A I forget her name .
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? A Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
Q Well how long after Jeff and Moss come before they brought their families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Fetched them together.
Q In the fall? A Yes sir.
Q So none of them didn't bring their families until the next fall?
A Uncle Butler didn't , the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn,t bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don't recollect.

Q A year? A It might have been a year and it might not.
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Q Did Moses live in that Dr. Thompson house there with the rest of them? A We lived in a Cherokee house.
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S  E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your postoffice? A Ketchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation?
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Moses Hardrick? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil war? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.
Q Did you see Moses Hardrick over there? A Yes sir.
Q When was that ? A The same time I saw Jeff.
Q What time was that? A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir.

BY MR. HASTINGS:
Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Dr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
Q At what place was he living? A He was living there, I can't tell you exactly. I saw him at Andy's.
Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
Q What was this step-father's name? A Lewis Rowe.
Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
Q When was that? A Must have been in '67.
Q What time of the year? A Along in the spring I guess.
Q Had he moved out of this place before you saw Jeff Lyons and Moses Murdrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
Q Just happened over there by accident? A I had some business there.
Q You saw Jeff's wife? A I don,t think I did.
Q Never saw Moses's wife there? A No sir.
Q It has been a long time ago hasn't it Tobe? A Yes sir.
Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
Q Have you had any children born since the war? A Yes sir.
Q What year was the first one born? A In '66.
Q What time in 1866? A In April.
Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80. I think.
Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
Q When was the next one born? What year? A '78 I think.
Q Which comes first, '78 or '80? A '78.
Q nWell I thought you said just now the one born in '80 was first ?
A That one was born,--the girl was born in '80, the boy was born about '88.
Q Now how far is the Johnson Thompson place from this Dr. Thompson place ? A A couple of miles the way you go around.
Q Just across the River aint it? A Yes sir.
Q When did Johnson Thompson come back? A I don't know.
Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn,t live right close to where he lived.
Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
Q You didn't see Moses's wife when you went up there? A No sir, not the first time.
Q How long was it that you did see his wife? A It was a way along in the spring.
Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
Q Now you just remember of your own independent recollection of seeing this fellow when you passed there? A I stopped and talked with him .
Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
Q Who else that didn't live there? A Uncle Lewis Rowe.
Q Up at the Dr. Thompson place? A Yes sir.
Q Live there? A No sir, I just went there and stopped and saw him there.
Q In 1867? A Yes sir.

Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don,t you know Wade and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife
A I don't recollect seeing them.
Q Didn't recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901, in the matter of the application of Ben Adams didn't you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
Q What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer, "Yes sir." "Where did they go up on Grand River,""How do you know they returned in 1866," Answer, I saw them," I will ask you if you didn,t testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it--
Q And you don,t know when Bob Daniels come back? A No sir.
Q And you don, t know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Dr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they came? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of those things like you folks.
Q Who asked you first to testify in this case? A I don't know who. I have been testifying ever since Bob Daniels' Court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S  E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A Will be 53 my birth day.
Q What is your post office? A Ketchum.

Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Were you acquainted with his wife? A Yes sir.
Q What was her name? A Nahala.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Are you acquainted with the children, Ida and Oscar Moore?
A Yes sir.
Q Who is their father? A Mike Moore.
Q Are you acquainted with Butler McNair? A Yes sir.
Q Acquainted with his wife? A Yes sir.
Q Acquainted with Tom Moore? A Yes sir.
Q His wife? A Yes sir.
Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
Q The latter part of December, 1866? A Yes sir.
Q Or January? A January first.
Q The following January after December, 1866? A Yes sir.
Q Where was he then? A On the Dr. Thompson place.
Q Who did he have with him? A His wife, Nahala, and Mike Moore.
Q And who else? A A girl named Anika, his stepdaughter.
Q How long did he stay over there? Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
Q How long did he stay on that Dr Thompson place? A He made a crop there.
Q What year did he make a crop on the Dr. Thompson place? A '67.
Q Did you see Butler McNair at any time down there? A Yes sir.
Q When was that? A That was in the same year.
Q What time did he come? A He come along about the winter time too.
Q Who come with him? A Uncle Tom.
Q Tom who? A Moore.
Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
Q Did he come the same time Jeff Lyons came? A Yes sir.
Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
Q Where did Tom Moore move to after he left Dr. Thompson's place?
A Right out about a half a mile south of there and made a new place there.
Q Make a place of his own? A Yes sir.
Q How long did he live there? A Why he lived there up until he died in '85.
Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir
Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. HASTINGS:
Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
Q You gave your age 4 years ago as being 48 and your post office Ketchum A Yes sir.
Q And your District Delaware District? A Yes sir.
Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
Q Are you related to Mike Moore? A He is a half brother of mine.

Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S  E X C U S E D.

ARTHUR BEAN, being first duly sworn, testified as follows.

BY MR. PATTEN:
Q State your name? A Arthur Bean.
Q How old are you? A 63.
Q What is your post office address? A Chaffee, Indian Territory.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas a while.
Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
Q You meanthe winter? A Of '67.
Q You mean that was following the Christmas of '66? A Yes sir.
Q Where did you see him? A Down to,—I seen Mose down in that country.
Q Mose who? A Mose Hardrick.
Q Where did you see him? A Down to Uncle Fred Martin's.
Q Where is that? A Down to Greenbriar.
Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
Q Where was it? A About 8 miles above where we were.
Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. I didn't see Jeff the time I seen Mose, saw Jeff later on.
Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
Q Of what year? A '67 I guess.
Q Do you know where Tom Moore and Butler McNair were at that time?
A No sir.
Q When was the first time you saw them? A I never seen them until way after that.
Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:
Q You never saw neither Mose nor Jeff until February, 1867 ? A Yes sir.
Q That is your first time? A Yes sir, as well as I recollect.
Q You are now testifying from your independent recollection, you haven't got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

Q That has been a long time ago? A Yes sir, so it has.
Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
Q Can you read and write? A No sir.
Q You were a slave before the war? A Yes sir.
Q Where was this young Tom Moore living when you first saw Moses and Jeff? A I don,t know sir, he must have been living with his Uncle Tom.
Q Were you acquainted with Moses before the war? A Yes sir, lived about two miles of him.
Q Before the war? A Yes sir.
Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
Q And Jee? A Yes sir.
Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Moses asked me to come down on his case.
Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
Q Where were you when he asked you? A I don't know where we met very frequently at Vinita.
Q What month was it he asked you to testify? A I don't remember what month that was.
Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
Q You don,t remember what month it was? A No sir.
Q If you can't remember a month that happened a year ago how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
Q You were about 23 years old then? A Yes sir, I guess so.
Q Are you married? A Yes sir.
Q When were you married? A I guess in about '68, I guess, or '67.
Q You don't remember the year? A No sir.
Q You couldn't tell that? A I couldn't tell, I have got it in my book.
Q But you cannot tell that independently? A I was married in '68 if I mistake not.
Q Was it 1867 or '68? A I think it was '68.
Q Are you positive about it? A I am pretty near positive but I wont be sure. If I was at home I would tell you, I would go by my book.
Q You are not willing to trust your memory as well as you are the book? A No sir.
Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
Q I am asking you now when your first child was born? A I couldn't tell g about that.
Q How many children did you have? A I get two children living and 6 or 7 or 8 dead.
Q When did your first child die? A That has slipped my remembrance
Q It has been a good long while? A Yes sir.
Q You couldn't trust your recollection to that could you? A No sir.
Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
Q When did Bob Daniels come back up in that country? A About '67.

Q What time in 1867? A I don,t know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January or December? A I don't know, I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson Thompson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don,t know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S  E X C U S E D.

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved there in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil War? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson,s place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? Just south of there, I don,t know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Wahala Lyons? A Yes sir.
Q And you say they come before any of those others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
Q Where did Jeff and Wahalaalive the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
Q Did Jeff work for Kell over there a while? A Yes sir.
Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along in January.
Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
Q When did he move over to your house? A He moved over about the first of February.
Q Then he never lived at your house before the first of February, 1867? A No sir.
Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
Q Never come there did he? A He come in January to see me.
Q Never come there to live? A No sir, not until the first of February.
Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Wahala? A Yes sir.
Q How long after that before Butler McNair come? A He come back in the spring of '67, along in Febraury, somewhere. Come in time to make a crop.
Q Well if Judge Clark and Nels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings.

On Behalf of the Commissioner: The objection will be noted.

Q No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
Q You wont dispute that? A No sir, we had green grass all winter.
Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
Q You ha ve got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

Q Who moved on to the Dr. Thompson place after you moved away?
A Mr . Parks.
Q Were you acquainted with Butler McNair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsey.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewheres along there.
Q Did Butler come back after her? A Yes sir.
Q Now when Tom Moore came, when was that? A Him and Butler come together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a home of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Peggie Lynch or Durant down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:
Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On Behalf of the Commissioner: The objection will be noted:

Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.
Q Then Jeff and Mose didn't come together? A No sir.
Q Mose come after that? A Yes sir, he come after Jeff come.
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don,t know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Nels Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.
Q You don,t want to contradict that? A I wont contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

Q You don't know when Johnson Thompson came back? A No sir, but I think he came back before Mr. Lanfield.
Q What time do you think Johnson Thompson came back? A I couldn't say I know he was there first.
Q Do you know whether she came in 1867 or '68, or '69? A He must have come in the fall of '62.
Q Did you testify before the Commission at Vinita on May 18, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
Q You don,t know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
Q Did you know the father of Sam Landrum? A If it'is the one I am thinking about, it is Dan Landrum.
Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
Q You testified did you in that case? A Yes sir.
Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
Q You are the same party who testified in that case? A Yes sir, I t e tified for Sam.

BY MR. STARR:
Q Bony Dan did come back in 1866? A Yes sir.
Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
Q One named Harvey? A Yes sir.
Q When did he die? A March 11, I believe.
Q What year? A That was in '67.
Q Who dug Harvey's grave? A Jeff Lyons.
Q Now where did Jeff Lyons live before he went on this Kell Place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
Q Had been camping there prior to when he went on Kell's place?
A Yes sir.
Q What was your next child's name that died? A Lula.
Q When did she die? A In '67.
Q What date? A Along in September, I don,t know exactly the date.
Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
Q You are not certain about that? A No sir.
Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:
Q You don't know what year he died? A I don,t know.
Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:
Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this Court and I told him he would have to pay me the money, or put up something as good as the money.
Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

Q How long did you attend before the Commission at that time? A There about two weeks before we got into it.
Q What was the mule worth? A I give him another $12.50 for his part.
Q What part did he have? A I had $12.50.
Q The mule was worth $25.00? A Yes sir.
Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
Q What did they give you? A They allowed me $12.50.
Q How long did you attend the Commission then? A I think I was two or three days, about three days I think .
Q Now that three days attendance, yourmilage and time for the Cherokee Nation amounted to $12.50, did it? A Yes sir.
Q And about two weeks attendance in this other case, your milage and time only amounted to about $12.50? A That is all I got out of the mule.

BY MR. HASTINGS:
Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than $2.00 per day, and your milage? A Mr. Bell told me to make it 4 days, and I didn,t claim anything.
Q Who paid you? A Roland brought the check to me and we went down to the bank and got themoney.
Q Did you sign a pay roll? A No sir.
Q When was that? A It was along, I can't tell what time but I came down here, it was when that Gray Lynch's daughter, Nettie Cash was up.
Q Did Cale Starr give you that check? A No sir.
Q Wasit while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
Q Didn,t you never know he was? A No sir.
Q Never heard of it? A No sir, never heardof him being an official for the Cherokee nation. I knew he was called an Attorney at Law but I never knew he was an official.
Q You never heard of that? A No sir.
Q Well whose name was signed to that check? A I don't know sir? I never lookedon the check to see whose name? He and Roland went to the bank and he shoved his in and I shoved mine in and we get the money.
Q Do you know when it was? A I don't know, you know when that case of Nettie Cash was up.
Q Did the Cherokee Nation ask you to swear anything else but the truth in the Nettie Cash case? A Only the truth and that is all I swore.
Q Was the amount you got what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
Q How far do you live from Vinita? A 14 miles.
And it is 65 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and you say you got a check for $12.50? A Yes sir.
Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn,t claim nothing.
Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
Q Did you sign a pay roll? A I never signed nothing.
Q Do you swear that? A I never signed nothing.
Q You sign your name don't you? A No sir.
Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
Q I am talking about the pay roll? A What pay roll?
Q The pay roll so that the check might issue on it? A I don't understand it yet.
Q You can't sign your name? A No sir.

Q When you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
Q And according to that you were out three days and 80 miles and you didn't get but $13.50? A That was all.
Q Did you make these other fellows you have testified for pay you? A Which?
Q You have testified in a good many cases? A Yes sir, they paid me.
Q All of them? A Some of them did and some didn't.
Q How much did you get in the gun Landrum case? A I have forgotten.
Q What other cases? A There was several cases, I don't recollect who I did witness for.
Q You don't remember any other cases? A No sir.
Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than $25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
Q What did you think he was worth when you were getting it? A About $30.00.
Q And you sold it $5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
Q Then you made a business of charging all these fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
Q Post office Ketchum? A No sir.
Q Never testified in that case? A No sir.
Q Well he never paid you nothing? A No sir.
Q Did you testify in the Aaron Martin case? A Yes sir.
Q Is that theone you got the mule in? A Yes sir.
Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, thatwas separate.
Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
Q Did you testify in the Eliza Downing case? A No sir.
Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
Q Did you testify in the Peyton Martin case? A Yes sir.
Q Did hepay you? A Yes sir, three or four dollars.
Q Do you know, do you remember how much he paid you? A About three dollars.
Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me $10.00 for witnessing for his family.
Q Where were you going to witness at? A In the Kerr-Clifton Court.
Q Witness for him then for $10.00? A Yes sir.
Q And you didn't get it? A No sir.
Q How long did you stay up there at Winita witnessing before this Commission when it was there? A I didn't say there all the time, I went back and forwards.
Q What was the longest you ever stayed up there? A Not over two days at a time.
Q How long were you there when you testified for Aaron? A About two days then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
Q Did you get any other mules in any other cases besides that one? A No sir mules were two high, I couldn't go and get a mule every time.
Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
Q What did you get from George W. Lynch for witnessing for him whose post office is Winita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
Q You don't think you ever witnessed for him? A No sir.
Q Did you witness for Harriet Tucker? A She was inthe Aaron Martin family.
Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
Q It was yourhabit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
Q If you were hanging around you charged them if you testified? A No sir, ifthey wanted me to testify for them I went in and testified.
Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
Q How much did they say they would pay you? A I don't know, they haven't said.
Q Did they pay your fare? A Yes sir.
Q Who? A This man.
Q Who are these men? A Starr & Patten.

BY MR. PATTEN:
Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

WITNESS EXCUSED.

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:
Q State your name? A Thomas H. Moore.
Q Did you testify in this case awhile ago? A Yes sir.
Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
Q What is it? A I want to withdraw one I made a statement in '66, I want to make it '67.
Q What was that about? A Bob paniels moving in in '66, in '67 is when he moved in.

BY MR. HASTINGS:

Q Who did you talk to about this since you left the stand? A I got to studying it over myself.

Q You talked to Mr. Patten about it? A Just now, yes sir.

Q Before you came back on the stand? A No sir.

Q You swear that you haven't talked to him out there in the hall before you came back on the stand? A No sir.

Q How did he know, how did he come to call you back here then? A I came back myself. I got to studying about where we were at that time and I knew that I made a mistake.

Q Were you not right out there when Andy Frye was on the stand and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we came from there down to this school house.

Q All those witnesses are out here in the hall? A Yes sir.

Q You have all been talking about it out here in the hall? A Yes sir.

Q You have talked to Starr or Patten out here in the hall about this case? A No sir.

Q You testified that you saw Moses Hardrick here in the winter of 1866, in February? A '67 I mean.

Q You swore awhile ago 1866 and Mr. Patten asked you over and over?

A I know I did, that is what I am trying to get straight. We lived up where I live now and we come down to this school all this time.

Q Mr. patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in february, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.

Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.

Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.

Q And it was in the fall of 1867 Bob Daniels moved in and you out?

A Yes sir.

Q You are certain that that was November I believe you said? A Did I say November.

Q You said fall, October or November? A It was in that fall anyhow.

Q Of 1867? A Yes sir.

Q That is when Bob Daniels moved his family up there? A Yes sir.

WITNESS EXCUSED.

APPLICANTS REST.

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, Freedman doubtful 292 be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum Case.

On Behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner, Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedmen enrollment case of Ben Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1901, rejecting, among others, the application of Ben Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1905 (I.T.D.8326-1901), and that a motion said case was filed May 29, 1906.

ELIZA A STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Eliza A. Strout.
Q How old are you? A 50.
Q What is your post office? A Vinita.
Q What was your maiden name? A Daniels.
Q Were you a daughter of Bob Daniels? A Yes sir.
Q Was he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Through who do you get your Cherokee blood? A Father and mother both.
Q Did your parents own some slaves before the war? A Yes sir.
Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
Q Did you know her before the war? Yes sir, I can remember her before the war, that is before she left us.
Q Who did she belong to? A My parents.
Q Did she have any children before the war? Yes sir.
Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
Q He was born before the war? Yes sir.
Q He was a slave of your parents? A Yes sir.
Q She wasn't the wife of Jeff before the war? A No sir, she came back here with Jeff.
Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
Q Was it on the same side of the river? A Yes sir, on the east side
Q And about a mile from the Dr. Thompson place? A Yes sir.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir, he married my sister.
Q Do you know where the Johnson Thompson place was? A Yes sir.
Q Where was this Dr. Thompson place with reference ~~mix~~ to your father's place and the Johnson Thompson place? A It was right between the two.
Q Then you had to go by the Dr. Thompson place in order to go to your Aunts, who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
Q Did you visit backwards and forwards frequently? A Yes sir.

Q Was Wahala and your father back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
Q Was she in that neighborhood at that time? A No sir.
Q She was your old slave?? A No sir, she was not there.
Q Could your old slave have been there at that Dr. Thompson place, and you pop backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
A No sir, I don't think she could.
Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
Q He was a member of the Supreme Court in 1871? A Yes sir.
Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
Q He lived there until he died? A Yes sir.
Q You know how long afterwards before you first heard of Wahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
Q That was your impression from knowledge you gained at that time?
A Yes sir.

BY MR. PATTEN:
Q I believe you say you are about 50 years old? A Yes sir.
Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
Q When was that? A I just now said I was in 1867.
Q What time of the year? A In March when we come down on the river.
Q You say Wahala was the slave of your father? A Yes sir.
Q You say she had one child before the war? A She had more than one.
Q Can you give the name of one? A She might have had more than I know of.
Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
Q How old were you at that time? A At what time.
Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
Q And you were about 6 years old at that time? A I guess so.
Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Wahala left us, it was during the war.
Q And you were only about 10 years old at the close of the war?
A I can remember when I was 6 years old.
Q Whose slave did you say Wahala was? A I guess she belonged to my father and mother both.
Q Did she belong to them at the commencement of the war? A Yes sir.
Q And they were Cherokee citizens ? A Yes sir.
Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

Q Do you know where Judge Clark was living when you came back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we came back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. B. Bell was living when you come back?
A No sir, I know where he lived afterwards.
Q Where you moved to when you came back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson,s wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Frye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don,t think he was married then.
Q You are certain that was the spring of 1867? A Yes sir.
Q Who else besides Addy Frye and Al Lynch? A I don't remember There was an old colored man named Tobe Schrimsher.
Q Were there any one else besides those three? A I don't remember anybody else.
Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
Q How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don,t see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
Q You were about 10 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn,t know who t hey were? A I know Tom Moore wasn,t there.
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know the names.
Q How do you know you saw them all? A I know I must have.
Q You are just guessing at that, taking it as a conclusion? A Now are you stating from what you actually know or what you take as matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish questions as that.

On Behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1866 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasnIt there when we come back.
Q I am not asking you that m question? A I couldn't tell you just the date I saw her.

Q Do you know where Judge Clark was living when you came back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we came back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. B. Bell was living when you came back?
A No sir, I knew where he lived afterwards.
Q Where you moved to when you came back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson,s wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Frye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don,t think he was married then.
Q You are certain that was the spring of 1867? A Yes sir.
Q Who else besides Andy Frye and Al Lynch? A I don't remember There was an old colored man named Tebe Schrimsher.
Q Were there any one else besides those three? A I don't remember anybody else.
Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
Q How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don,t see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
Q You were about 10 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn,t know who t hey were? A I know Tom Moore wasn,t there.
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know the names.
Q How do you know you saw them all? A I know I must have.
Q You are just guessing at that, taking it as a conclusion? A Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you want by there frequently? A I don't know as I have to answer any such foolish questions as that.

On Behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1866 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasnIt there when we came back.
Q I am not asking you that x question? A I couldn't tell you just the date I saw her.

Q You say you saw her when they all came back? A I saw them when they were living there.
Q About when was that? A I don,t know when it was.
Q Was it 1866 or 1867? A It was 1867 or '68.
Q What time in 1867? A I always thought it was 1868.
Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
Q You don't know anything about when they came from Whence? A I know they were not on that Dr. Thompson place.
Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
Q Who lived on that place or in the house prededing your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
Q Did he move in there just before you folks moved in? A Yes sir.
Q Did Nelson Moore ever live in that house, if you know? A No sir.
Q You don't remember when he lived there? A Nos ir.
Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
Q Was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
Q Who did he get out? A Arch Landrum.
Q You are certain it was Arch Landrum? A That is what my father said.
Q Didn't say whether Arch was the only one? A Didn't say about that.
Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
Q You came shortly after he came down there? A Yes sir.
Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
Q How do you remember it was 1867? A How do you remember anything?
Q I am asking you? A (No response)
Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? A You just Undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don know any more than anybody known one year from another.
Q Have you a pretty good faculty for remembering things that occurred in 1860 or '87? A Sometimes I do and sometimes I don't.
Q Do you know when the Kern-Clifton roll was made? A No sir.
Q You don,t remember that do you? A No sir.
Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
Q Some of those dates are pretty hard to remember, aren's they? A Indeed without they ~~mustgot~~ to remember anything, they ought to remember it.
Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place, is that the reason you remember it? A No sir.

Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I knew when the war closed, and how long we stayed down south before we came home, and then we came to Tahlequah and stayed there until the spring of '67.
Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
Q Where were you when the war closed? A In the Cherokee Nation.
Q How long did you stay in the Cherokee Nation? A About three years, we went there during the war.
Q What year did you go there? A I think it must have been in 1863.
Q And you stayed there three years? A Stayed there until 1866.
Q What time in 1863 did you go? A I don't know.
Q You don't remember that? A No sir.
Q Do you remember the occasion of going? A Yes sir.
Q You say you stayed there about three years? A We stayed there until 1866.
Q What time in 1863? A I don,t know, I think it was in the spring.
Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
Q How long did you stay at Tahlequah before you came down there?
A I told you from that time until March.
Q The following March? A Yes sir.
Q Then you came to Tahlequah in 1866? A '65?
Q Didn't you say you left the Cherokee Nation in 1865? A I said the war closed in 1865 and we came to Tahlequah in 1866.
Q Do you know what year you were born in? A 1856 so my mother said, I don't know whether I was or not.
Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S  E X C U S E D :

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A James R. Dunlap.
Q What is your age? A 65.
Q What is your post office? A Carlile, Kansas.
Q How far is Carlile from Iola? A Five miles.
Q How long have you lived in the vicinity of Carlile and Iola?
A I first came there in 1864, moved there in 1866.
Q What time in 1866 did you move there? A Sometime in the spring, May or June.
Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did they live there in that vicinity? A Yes sir.
Q Did you at that time live in the town or in the country? A I lived in the country there.
Q About how far did Butler McNair live from you? A About a mile.
Q Live in a cabin over there? A Yes sir.
Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife
Q Was that Butler McNair's wife? A Yes sir.
Q Was that after this confinement you speak of ? A Yes sir
Q Was that the first child your wife had? A Yes sir.
Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
Q Have you a record of the birth of that child? A Yes sir.

Q Did you bring that with you? A Yes sir.
Q What does that record disclose? A You read it.
Q Is this from your family record, your Bible? A Yes sir.
Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
Q That is the date of his birth? A Yes sir.
Q And you are positive that Betsy, the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
Q Do you remember how long she stayed there after that? A No sir, I don't.
Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
Q And you have refreshed your memory from the d te of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 21, 1867.
Q And you are positive that Butler McNair's wife Betsy was there?
A Yes sir.
Q You are not prepared to s y how uch longer they remained there?
A No sir, I couldn't do that.
Q Did you know a colored man as named Tom Moore? A Yes sir.
Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
Q They didn't live on your place? A No sir.

Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the ssaxesame time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:
Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn,t have any acquaintance with the old lady until I went after her to stay with my wife.
Q There is no question but what she waited on your wife at tha t time? A No question in my mind.
Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
Q Did you ever know him? A Yes sir.
Q How far did they live from you? A About a mile.
Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I j ust come into the country there and we swaped work around and cut our wheat.

WITNESS EXCUSED.

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. A. Thompson.
Q What is your post office? A Vinita.
Q What is your age? A I will be 66 years old the first day of month August.
Q Are you a Cherokee by blood? A Yes sir.
Q What was your father's name? A Johnson Thompson.
Q Have you a brother named Tommy Thompson, T. J. Thompson? A Yes sir.
Q Where did you go during the civil war? A We went south, on Red River.
Q Where did you return after the war? A Back there on our old place.
Q Where was that? A On Grand River, known now by the Ketchum place.
Q By Ketchum post office? A Yes sir, near there.
Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
Q How far is that from the Dr. Thompson place? A About a mile.
Q On the same side of the river? A No sir.
Q How far from the Bob Daniels place? A That was a short mile further south, on the south side of the river.
Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
Q And both on the opposite side of the river from your father's place? A Yes sir.
Q Do you know Mrs. Street, daughter of Bob Daniels? A Yes sir, first cousin of mine.
Q Do you know when Bob Daniels came back up there? A Yes sir.
Q When? A In 1867.
Q What time of the year? A Early in the spring.
Q What time did you people come back to this Johnson Thompson place?
A I think it was in October, in 1866.
Q Did you ever know Moses Hardrick a colored man before the war?
A No sir.
Q Did you know Jeff Lyons before the war? A No sir.
Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
Q Did Daniels live up there before the war? A Yes sir.
Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
Q Right at the same place you described? A Yes sir.
Q Then you knew Mahala well did you? A Yes sir.
Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
Q Was that when they came back to the country? A Yes sir.
Q You say that was in the fall of 1867? A Yes sir.
Q Are you positive they were not there during the winter of 1866?
A I don't think they were, if they were I didn't see them.
Q Did they say they were from Kansas in the fall of 1867? A. Yes sir.
Q You remember when Moses Hardrick came? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
Q Did you see him there before you saw Mahala and Jeff? A No sir.
Q Did you know a child of Mahala named Mike? A Yes sir.

Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he came or how he came.
Q Did you see him there before you saw his mother? A No sir.
Q You saw him afterwards? A Yes sir.
Q Did you know Butler Walsh? A I wasn't acquainted with him.

BY MR. PATTEN:
Q When was it you say you first saw Jeff and Nahala? A I think it was in the fall of 1867.
Q Who were they living at that time? A Camped in our yard there on our place.
Q That was in the fall of 1867? A Yes sir.
Q When was the first time you saw Rose? A It was sometime after that I think, I would not be positive. I don't remember much about your because he went across the river.
Q Was it about the same time? A Pretty much the same time.
Q How how long did they camp with you there when they went into camp. A Yes sir.
Q Had they just moved in from some place? A Came in from Kansas I suppose.
Q Was this on the same side of the river as the Dr. Thompson place? A No sir.
Q What was across the river from the Dr. Thompson place? A Yes sir.
Q That was in the fall of the year? A Yes sir.
Q As you think it was what year? A 1867.
Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1864.
Q When do you claim? A I don't claim.
Q Were you in the country? A There were two fights on Horse Creek.
Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was itbefore or afterwards?
A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
Q You don't know whether it was before or after? A Well it must have been then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
Q The same fall? A I couldn't tell positively.
Q What is your best judgment about it? A Well I hate to say.
Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, a long time. There were two fights there, one occurred before we came there.
Q Did these two fights both occur the same year? A I couldn't tell you that.
Q Where did they move to when they moved away? A Across the river.
Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
Q You started in the fall of 1867? A Yes sir.
Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any crop earlier than 1868.
Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Bobe Schrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,— what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q What was about the time Bobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniel's horse and Schrimsher was running our boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't comeup there untillate in the fall of 1866.
Q How do you remember it was 1866 you come up there instead of '65?
A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

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June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A T. F. Thompson.
Q How old are you? A Going on 59 years old.
Q What is your post office? A Vinita.
Q What was your father's name? A Johnson Thompson.
Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
Q Did you know Rob Daniels in his life time? A Yes sir.
Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
Q Were they Cherokees? A Yes sir.
Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
Q Where? A On Grand River.
Q How far from Vinita? A East about 15 miles.
Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
Q On which side of the river did your folks live? A On the west side.
Q On which side did Rob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
Q On the opposite side of the river from you? A Yes sir.
Q How did you people go out during the war? A Yes sir.
Q What time did you return? A We returned in the fall or winter of 1866.
Q And what time did Daniels people return to the place up there on the river? A They came back in the spring of 1867.
Q Did you know Mrs. Strout that was on the stand? A Yes sir.
Q That was her father? A Yes sir, he lived there.
Q Then each of your families returned back to these old places?
A Yes sir.
Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
Q Did she have any children before the war? A I think she did, I would not be certain about that.
Q Don't know of a child named Mike Moore? A Yes sir.
Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
Q You say you knew Mahala who belonged to your aunt Mrs. Daniels before the war? A Yes sir.
Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They came back after we didbut I couldn't say whether it was the year we did or the year following.
Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
Q Did you make an affidavit in this case? A Yes sir.
Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
Q Who prepared it? A A young man named Blue I believe.
Q With whom did you talk about it. Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
Q You didn't intend to say 1866? A No sir .

BY MR. PATTEN:
Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A Not that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
Q The Wallace Court in 1889? A No sir, I think not.
Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

WITNESS EXCUSED.

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, F. D. 314, at a prior hearil will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two hears, consolidated cases of Moses Hardrick, et al., and George Irons, et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield, et al., F R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County, Kansas, was never authenticated for the year 1868 by the Assessor.

On Behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906, in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done an a copy of that part of the proceedings relating to the cases of Warren Adams in Moores Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 538, being the case of Charity Trew, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 576, being the case of Katie Thorton, et al., Freedman Doubtful 201, being the case of Sarah Dean, Freedman Doubtful 768, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freedman cases, and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient, and move that the Nation be required to specify in each instance what testimony is false.

Mr Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants and if the Commission to the Five Civilized Tribes had decided adversely to the , and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a ere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.
Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following Freedman cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 222, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful , 317, Charles Martin et al., Freedman doubtful 387, Jane Looney, Freedman doubtful 638, Nancy Ross, et al. Freedman doubtful 648, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Vetie or Tinman. Freedman doubtful 948 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1008, George Ross, Freedman doubtful 1020, Kissie Newman, et al. Freedman doubtful 1023, Ned Foreman. Freedman rejected 88, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection willbe sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 828, John May, et al. Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 712, Joseph Lynch, et al. Freedman doubtful 309, William Vann et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Nemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 560, Annie Elms, et al. Freedman doubtful 281, Arthur Martin, Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 727, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and citizenship Courts that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record: that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On Behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treasty of July 19, 1866. That we do not represent George Irons, Betty Hayes and Richard Nero, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no deligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

| | | |
|---|---|---|
| George Irons, et al., | F B | 34 |
| Bettie Mayes, | F B | 47 |
| Richard Moore, | F D | 1388 |
| Ned Lyons, | F D | 251 |
| Rachel Landrum | F D | 252 |
| Elias Lyons, | F D | 253 |
| Altha Moore, et al., | F D | 357 |
| George W. Lynch, | F D | 731. |

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he came from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 23rd day of July, 1906.

B. P. Rennie
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. Atoka/

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In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of------

| | |
|---|---|
| Moses Hardrick | Cherokee Freedmen R-674 |
| Silas Hardrick | Cherokee freedmen R-834 |
| Sarah Bean | Cherokee freedmen R-643 |
| Nelson Hardrick, et al., | Cherokee freedmen R-587 |
| William Hardrick, et al., | Cherokee freedmen R-599 |
| Eliza J. Hardrick, et al. | Cherokee freedmen R-631 |
| Mary Hardrick, et al. | Cherokee freedmen R-679 |

| | |
|---|---|
| George Irons, et al., | Cherokee freedmen R- 36 |
| Bettie May s | Cherokee freedmen D- 87 |
| Richard Nero (Irons) et al., | Cherokee freedmen D1328 |
| Ned Lyons | Cherokee freedmen D-281 |
| Rachel Landrum | Cherokee freedmen D-[illegible] |
| Eliza Lyons, et al., | Cherokee freedmen D-283 |
| Altha Moore, et al., | Cherokee freedmen D-387 |
| George W. Lynch, et al., | Cherokee freedmen D-731. |

## D E C I S I O N.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That application for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Hattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lonien; by Jennanna Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Eliza Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1904, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 4968-1904); and that thereafter, to-wit, on April 8, 1906 (I.T.D. 8328-1906) and May 11, 1906 (I.T.D. 4687-1906) respectively; on motions of the applicants, the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certian provisions of the Treaty of 1866; Silas Hardrick, Sarah Bean, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Moss Lonien, Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elnora Nivens as the descendants of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant Eliza Lyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descentants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion

that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which a ray of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian ) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretarynof the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In Taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

| | |
|---|---|
| Going Snake and Delaware Districts | Volume 1, |
| Tahlequah and Saline Districts | Volume 2, |
| Canadian and Delaware Districts | Volume 3, |
| Flint, Sequoyah and Koo-weeo-koo-wee Districts, | Volume 4. |

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely; Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 5988, Whites 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows; to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation;-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 14th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Dangling,

Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

"Q How does the fact that the grass was up connect with in your mind, with Moses Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Moses Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Reuben Downing, they all of them went to Lucy Hildebrands in the spring of '67 to a census taker.

Q To a census taker? A Yes sir to a census taker; that was in '67.

Q What month was that? A That was about June or July as well as I remember.

Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Beard and family, who it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair,

however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1898 held that the applicant, Moses Hardrick (Hardwicke), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1903.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee Roll in the custody of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the applicants Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen of said Nation; and that all the applicants herein, except those last above named, were born since the close of the rebellion and obtain no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick; Silas Hardrick; Sarah Bena; Nelson Hardrick; LeRoy Hardrick; William Hardrick; Mabel Hardrick; Leona Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lenien, George Irons; Bertha Irons; Bettie Irons; Elnora Nivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Eliza Lyons; Nelson J. Lyons; Altha Moore, Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tams Bixby,
Commissioner.

Dated at Muskogee Indian Territory,

This FEB 13 1907.

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George W. Lynch,
Vinita, I. T.
Cherokee-F-D-731.
Minor.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
No.731.

Muskogee, Indian Territory, September 12, 1902.

George W. Lynch,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required tending to show whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, On Friday, September 26, 1902, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen

D-721

Muskogee, Indian Territory, August 28, 1904.

George W. Lynch,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the date of your return to the Cherokee Nation after the close of the war of the rebellion.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as you may be able to procure touching the points above mentioned.

Respectfully,

Register. Chairman.

Cherokee Freedmen

D-721.

Muskogee, Indian Territory, August 28, 1904.

Blue & Bulger,

Attorneys for George W. Lynch, et al.,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of August 20, asking to be advised as to the status of the application of George W. Lynch for the enrollment of himself and family as Cherokee freedmen.

In reply you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced tending to show the date of the return of the said George W. Lynch after the war of the rebellion.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as he may be able to procure, touching the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen

D-721.

Muskogee, Indian Territory, August 22, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of George W. Lynch, et al., for enrollment as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the date of the return of the said George W. Lynch to the Cherokee Nation after the close of the war of the rebellion.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that requested of the applicants.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen,
D-721.

Muskogee, Indian Territory, October 14, 1904.

George W. Lynch,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Tams. T. B. Needles.
Commissioner in Charge.

Register.

Cherokee Freedmen,
D-781.

Muskogee, Indian Territory, October 14, 1904.

Messrs. Blue & Clever,
Attorneys for George W. Lynch,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of George W. Lynch and his children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904.

Said George W. Lynch has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

T. D. Needles.
Commissioner in Charge.

Register.

COPY

Muskogee, Indian Territory, December 7, 1904.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation.

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedman cases:

October 18, 1904.

Dennis Vann, et al. Cherokee Freedmen D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40.

November 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman, D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedmen R-328 and 329.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Encl. 00-6.

Muskogee, Indian Territory, December 6, 1904.

Mose & Pulger, Attorneys,

Tiolla, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony in the following Cherokee Freedman cases, taken at Muskogee, Indian Territory at the time indicated.

George W. Lynch, Cherokee Freedman D-731, November 23, 1904.

Frank Harnage, Cherokee Freedman R-178, November 23, 1904.

Walker Johnson, Cherokee Freedman D-356, November 22, 1904.

Dennis Vann, Cherokee Freedman D-641, November 22, 1904.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. OG-9.

XXV

Muskogee, Indian Territory, December 29, 1904.

George W. Lowe,

Vinita, Indian Territory, Box 141.

Dear Sir:

The Commission is in receipt by reference from the Secretary of the Interior, of your letter of November 29, 1904, addressed to the "Honorable Theodore Roosevelt, President at Washington, D. C.", in which you ask that one J. J. Bulger be given an opportunity to talk with the President of the United States, or the Attorney General thereof, relative to the law governing the enrollment of Freedmen in the Cherokee Nation.

Replying to your letter you are advised that the settlement of all questions relative to the enrollment of Cherokee Freedmen has, by law, been vested in the Commission to the Five Civilized Tribes, under the authority of the Secretary of the Interior, and that on January 29, 1904, the question relative to the rights of Cherokee Freedmen was, by the Secretary of the Interior, referred to the Assistant Attorney General of that Department for an opinion. On March 22, 1904, the Honorable Frank L. Campbell, Assistant Attorney General for said Department, rendered

His opinion on the questions submitted to him, a copy of which opinion is herewith enclosed.

Respectfully,

James Dixby,
Chairman.

Encl. 00-44.

Cherokee Freedmen
Dwl.

Muskogee, Indian Territory, January 17, 1905.

Miss B Dodge,
Attorneys for George W. Lynch et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 22, 1904, in the matter of the application for the enrollment of George W. Lynch et al., as Cherokee Freedmen, together with a blank form of receipt, which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Encl. 1-1.

DUPY.

Cherokee Freedmen

S-VIII.

Muskogee, Indian Territory, April 16, 1906.

George W. Lynch,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 14, 1906, rejecting, among others, the application for the enrollment of yourself and your minor children, Rosetta and Eliza Lynch, as Cherokee freedmen. There has heretofore been furnished your attorneys, Ellis & Dulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Encl. S-IV

Rec'd

COPY.

Cherokee Freedmen

D-721.

Muskogee, Indian Territory, April 16, 1908.

Blue & Bulger,

Attorneys for George W. Lynch, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 16, 1908, rejecting, among others, the application for the enrollment of George W., Emsetta and Eliza Lynch as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. 6-99.
Register

COPY

Cherokee Freedmen

Doc. 68 M.

Muskogee, Indian Territory, April 24, 1906.

Dell, Hastings & Duncan,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 16, 1906, rejecting the applications for the enrollment of George, Martha and Nettie Lyons, Elmore Strong, Nellie Hayes, Richard and Emilie Tare, Ted, Eliza and Nelson F. Lyons, Rachel Landrum, Alice and Oscar Moore, George T., Benetia and Eliza Lynch, as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Inclo. Dell

POOR ORIGINAL -
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[illegible]

[illegible]

Washington, Indian Territory, April 24, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the contested case of Sarah Brown et al, contesting the Commission's decision dated April 24, 1906, rejecting the applications for the enrollment of George, Tarlton and Dottie Irene Wilmore Rivers, Bettie Wayne, Richard and Willie Ruth, Bob King and Velora J. Irene, Rachel Lassley, Ethe and Oscar Brown, George W., Rosetta and Nick Lynch, as Chickasaw freedmen.

Respectfully,

[illegible] Tams Bixby,

Chairman.

Inc. 8478.

Through the

Commissioner of Indian Affairs.

POOR ORIGINAL -
BEST AVAILABLE COPY

{ C O P Y }

DEPARTMENT OF THE INTERIOR,

LAND
D[illegible]-.[illegible]

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 8, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 16, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jennanna Irons for her husband , George Irons, her step-children, Bertha and Bettie Irons, and her step-grandchild, Elnora Wivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore, and by George W. Lynch for himself and his minor children, Rosetta and Eliza Lynch.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons,deceased; that the applicants,George Irons and Bettie Mayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Mollie Fern (or Irons) are included in a partial list of Creek Freedmen approved by the Department March 13, 1902, at Nos. 2173 and 2138 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Minnie Irons, born Lyons, deceased, were born since 1880 and possess no rights to enrollment other than as descendants of their parents; that Minnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elnora Vivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Elias Lyons and one Martha Lyons, was born since 1880 and possesses no rights to enrollment other than as their descendant.

On May 26, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4336-1904)

The evidence further shows that the minor applicants Althe and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father. that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11 , 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M.

W

( C O P Y )

DEPARTMENT OF THE INTERIOR.

D.C. 10889-1906 WASHINGTON. July. 1906

I.T.D. 8088, 8608, 8741-1906
1867, 1895, 4667-1906.

L R S May 11, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George , Bertha, and Bettie Irons; Elnora Givens; Bettie Hayes; Richard and Mollie Nero; Ned, Elias, and Nelson J. Lyons; Rachel Landrum; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee freedmen.

Reporting July 3, 1905 , the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Iron et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 9, 1906, are hereby dismissed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and readjudication of the consolidated case. You are therefore directed to reopen the case and permit the applicants and the attorneys for the nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens. You will also fully advise all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motions for review in this case, it be considered with the case of Moses Hardrick et al., which was remanded to you for rehearing on April 5, 1906, as the principal ancestors in both cases are alleged to have returned from Kansas in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith.

Respectfully,

FRANK M. WILSON
Assistant Secretary

4 inclosures

D.C.19464.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irens et al F. R. 34
Bettie Hayes------- F. D. 87
Richard Moore (or Irens) F D 132
Wad Lyons F D 251
Rachel Landrum F D 252
Eliza Lyons et al F D 253
Altha Moore et al F D 257
George W. Lynch et al F D 321.

We have neglected to advise you that since Mr. Dulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Yola Kansas in the Summer or early fall of 1866 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten,

Attorneys for applicants.

Cherokee Freedmen
R 34

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedman citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your desire to introduce in the

Irene cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen
E 54 et al.

Muskogee, Indian Territory, May 24, 1906

Ball, Hastings & Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1906, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Irons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

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being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Wahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and

Bell, Hastings and Duncan -2-

Patton, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have to-day been notified that they will be permitted to appear before the office of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

JMB

Acting Commissioner

Encl. 2 78

Cherokee Freedmen
D 781

Muskogee, Indian Territory, May 28, 1906

George W. Lynch,

Vinita, Indian Territory,

Dear Sir:

In connection with your Cherokee freedman enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Department, and the record in the case is returned to this office and a rehearing ordered to "permit the applicants and attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The department states that on April 27, 1906, the attorneys for the applicants in the cases with which your

application was consolidated, requested, in the event of favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick, et al., which were remanded to this office for rehearing April 8, 1906. The Department directs this office that "in the absence of further material objections, you will grant said request".

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick, et al., and the attorneys have been so advised.

Respectfully,

Acting Commissioner.

MMP

( C O P Y )

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Ivens et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearing:

Calvin Ross, . . . . . Iola, Kansas.
Elizabeth Thomas/ . ? . . Iola, Kansas.
John C. Thomas, . . . . . Iola, Kansas,
Mrs. Sarah Bird . . . . . R.F.D. #3, Longton, Kansas,
Phelix Lerance . . . . . R.F.D. #6 Howard, Kansas.
James Cristy . . . . . Geneva, Kansas.
Jack Morris Sr., . . . . . Iola, Kansas,
John Walters,-- Table Mound Cement Works, Independence Kans
Mrs. Maggie Harville, . . . Iola, Kansas.
Andy Fry, . . . . . Ketchum, I. T.
Millie Fry, . . . . . Ketchum, I. T.
Tobias Bean . . . . . Ketchum, I. T.
Leander Bean . . . . . Ketchum, I. T.
Thomas H. Moore, . . . . . Ketchum, I. T.
Rosa Moore, . . . . . Ketchum, I. T.
Cynthia Lynch, . . . . . Ketchum, I. T.
Simon Lynch, . . . . . Ketchum, I. T.
T. F. Thompson, . . . . . Vinita, I. T.
Arthur Bean . . . . . Ketchum, I. T.
Joe Davis . . . . . Vinita, I. T.
Zeb Downing . . . . . Catale, I. T.
Jennie Downing, . . . . . Catale, I. T.
Daniel Sanders, . . . . . Centralia, I. T.
Joseph Bean . . . . . Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten
Attorneys for applicants

Cherokee Freedmen
E 34

Muskogee, Indian Territory, June 4, 1906

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of George Irons, et al.

Respectfully,

LMB

Commissioner

[redacted]

[redacted]

[redacted]

Dell, Hastings & Rosegarland

Cynthia Lynch, . . . . . Chickasaw, I.T.,
Diana Lynch, . . . . . " " "
T. B. Thompson, . . . . . Vinita, " "
Arthur Dean, . . . . . Lehigh, " "
Joe Davis, . . . . . Vinita, " "
Bob Dowling . . . . . Catoosa, " "
Jennie Dowling . . . . . " " "
Daniel Sanders . . . . . Centralia, "
Joseph Dean, . . . . . Shaffer, I.T., and will recall Polson Moore , witness for the Cherokee Nation, for further cross examination.

Respectfully,

LCB

Commissioner

POOR ORIGINAL

Cherokee
S S 276 et al.

Muskogee, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. SK-23.
GEL

Cherokee
S R 594 et al.

Muskogee, Indian Territory, July 26, 1906.

Starr & Patton,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. 61-26.
GEK.

Cherokee F.
D 731

Muskogee, Indian Territory, February 18, 1907.

George W. Lynch,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the applications for the enrollment of yourself and children as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and they have this day been forwarded a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.HJ-33
JMH

Register.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patton,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-381.
HJC

Commissioner.

Cherokee D.
R 874 et al.

Muskogee, Indian Territory, February 13, 1907.

W.W.Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-38.
HJC

Commissioner.

Muskogee, Indian Territory, February 18, 1897.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as the whites freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1897, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Spam, Nelson, Lobey, William, Mabel, Leona and Elias J. Hardrick, Arthur, Ethel, Hattie, and Edna Lynch, Mary Hardrick, Anna, and Jackson Lonion, George, Martha and Lottie Thomas, Elmina Stevens, Willie Hayes, Richard and Nellie Berry, Ned Lyons, Rachel Lonsdale, Elias and Nelson J. Lyons, Alice and Sarah Moore, George W., Rosetta and Elias Lynch,

as therein freedmen.

On April 6, 1906 (I.T.D.4968-1904; 5351, 5353, 5355, 5351-1905; 1935, 5330, 5358-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Hughes Hardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 5068, 5068, 5741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl.HJ-39.
HJG.

Commissioner.

Through the Commissioner
of Indian Affairs.

(C97)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAFB.
16137-1907
19108-

February 27, 1907.

(C97)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Wardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Wardrick, and rejecting the applications for the enrollment of Moses and Silas Wardrick, Sarah Dean, Nelson, Le Roy, William, Mable, Leona and Eliza J. Wardrick, Arthur, Ethel Mattie and Cloud Lynch, Mary Wardrick, Amos and Jackson Louien, George, Bertha, and Bettie Irene, Elmora Nivens, Bettie Hayes, Richard and Mollie Row, Ned Lyons, Rachel Landrum, Eliza and Nelson J. Lyons, Altha and Omer Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McDowan, Sorven & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FVB--GD

V.E.H.
J.P.

DEPARTMENT OF THE INTERIOR,
N.C.12433-1907.

LRS. WASHINGTON.

E. T. D.

6694, 6712, 6714, 6716,
6726, 6728, 6808, 6821,
6826, 6834, 6860, 6862,
6865, 6866, 6870, 6872,
6880, 6912, 6916, 6934,
6942, 6946, 6948, 6950,
6964, 6966, 6970, 6972,
6976, 6998, 6999, 6002,
all 1907.

March 2, 1907.

DONEY.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

| Title of case. | Date of your letter of transmittal. |
|---|---|
| Moses Hardrick, et al. (freedmen), | February 13, 1907. |
| Alexander M. Anderson, | February 21, 1907. |
| Emiline Patrick, | February 19, 1907. |
| Leona Arreta Kincaide, | February 12, 1907. |
| Noonan Worley Hicks, (freedman), | February 12, 1907. |
| James McCombs, | February 8, 1907. |
| George W. Hill, | February 15, 1907. |
| Lydia M. Ward, et al. (freedmen), | February 18, 1907. |
| Mary E. Coker, | February 8, 1907. |
| Charlotte M. Laughlin, et al., | February 21, 1907. |
| Jessie Lee Ligmon, et al., | February 15, 1907. |
| Joseph Hensen, | February 14, 1907. |
| John Earl Rodgers, et al., | February 18, 1907. |
| Minnie L. Peace, et al. (freedmen), | February 13, 1907. |
| Clark B. Sarmany, | February 19, 1907. |
| George N. Freeman (freedman), | February 16, 1907. |

| Title of Case. | Date of your letter of transmittal. |
|---|---|
| Mary J. Graybeard, | February 8, 1907. |
| Sarah Sanders, et al., | January 17, 1907. |
| Alverta Flemings, et al. (freedmen) | February 14, 1907. |
| Tyre Finley (freedman), | February 12, 1907. |
| Clarence Landrum, et al (freedmen), | February 14, 1907. |
| Minnie E. Powell, | February 14, 1907. |
| E.H. Flournoy, | February 8, 1907. |
| Sarah J. Martin, | February 14, 1907. |
| Elizabeth Coleman, | February 8, 1907. |
| Rexie Christine Binns, | February 16, 1907. |
| Nila Hill (freedman), | February 16, 1907. |
| Jane Langley, | February 6, 1907. |
| Frances Elizabeth Forbes, | February 12, 1907. |
| Isabelle J. Paris, | February 9, 1907. |
| Clarence Hill, et al. (freedmen), | February 12, 1907. |
| Mary Dean, et al. (freedmen), | January 18, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind. Of.,
with carbon hereof.

A. F. Ms.
3-2-07.

Cherokee 7
D 731.

Muskogee, Indian Territory, March 22, 1907.

George W. Lynch,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and children, Rosetta and Eliza Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

Tams Bixby,

LMC

Commissioner.

Cherokee F.
R 681.

Cert

Muskogee, Indian Territory, March 22, 1907.

Stuart A Patton,

Attorney for Moses Hardrick, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Encl.C-42
LMC

Commissioner.

Cherokee V.
R Ste et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Rosse Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 8, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.S-30
LMC

Muskogee Indian Territory, [illegible] 190[illegible]

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in [illegible]

Witness dated Apl 22 - 1901

[illegible]

Attorney for Applicant.

I, J. B. Pegg, do solemnly swear that I am 27 years of age, and that on the 22 day of Aug. 1904, in the Creek Nation, Indian Territory, I served the within Subpoena on the within named Blue Thompson by then and there delivering a true copy of the same to said Blue Thompson

Subscribed and sworn to before me this 22 day of Nov. 1904

J. B. Campbell
Notary Public

C.F.D. 731

No.

**SUBPOENA**

**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

*In the matter of the*

Geo. W. Lynch et al
vs
Chas. McCa D. 731

C.F.B.-31

No.

# SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

99 --

# Department of the Interior,

Commission to the Five Civilized Tribes.

To Blue Thompson

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muscogee in the Creek Nation, Indian Territory, on the 22 day of Nov. 1904, to testify before said Commission in the matter of the Geo. W. Lynch, et al. applicants for enrollment as Cherokee freedmen

Dated at Muscogee this 22 day of Nov. 1904.

Commissioner.

Attorney for Defendant.

Cher Fr R 986
Trans. from Cher Fr D 737

Cher Fr R 986

[illegible] as his wife [illegible] children.

[illegible]
[illegible]
[illegible], I.T., [illegible] 19, [illegible]

In the matter of the application of Gilbert Vann for the enrollment of himself, his wife and four children as Cherokee Freedmen, said Vann being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Gilbert Vann.
Q How old are you Mr. Vann? A About 45 or 6.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Family.
Q What family have you got? A Wife.
Q How many children? A Four.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir
Q Is your wife? A I don't know whether she is on the 1880 roll or not.
Q Your name is on the 1880 roll? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe except the Cherokee ? A No sir.
Q What is your wife's name? A Chaney Howe.
Q Her name is Chaney Vann now isn't it? A Yes sir.
Q What is her father's name? A John Buckner.
Q What is her mother's name? A Amanda Howe.
Q Is Amanda living? A No sir.
Q You say you don't know whether your wife's name is on the 1880 roll or not? A No sir.
Q Now, give me the names of your children? A Phillis Ann.
Q How old is she? A 14.
Q The next one? A Mary Jane.
Q How old is Mary Jane? A 12.
Q The next one? A Bessie.
Q How old is Bessie? A Nine.
Q The next one? A Tolly.
Q How old is Tolly? A Four years old.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 192, #3047, Gilbert Vann, Cooweescoowee District. Applicant's wife not found on the 1880 roll.

The 1896 census roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 424, #666, Gilbert Vann, Cooweescoowee District.
Page 424, #667, F. Ann Vann, Cooweescoowee District.
Page 424, #668, Mary Jane Vann, Cooweescoowee District.
Page 424, #669, Bessie Vann, Cooweescoowee District.

BY MR. W. W. HASTINGS: Cherokee Representative: Who is that Sophia with you on the roll of 1880? A That's my wife.
BY COM'R NEEDLES: Were you married before your present marriage?
A Yes sir.
Q What was your first wife's name? A First wife?
Q Yes; how many times have you been married? A Yes sir.
Q First wife named Sarah? A First wife named Sophia.
Q Is she living? A Yes sir.
Q You are not living with her? A No sir.
Q What is your second wife's name? A Sarah.
Q Is she living? A No sir, she is dead.
Q Who is the mother of Phillis? A Sarah.

Q Is she the mother of Mary ...? A She is the mother of the three oldest children.
Q What was your second wife's maiden name? A She went by the name Sarah Triana
Q Is she on the roll of 1880? A I don't think she was.
Q Now, your present wife, what was her name, Rowe is it? A Yes sir.
Q Is her name on the roll of 1880? A I don't know whether it is or not.
Q Well, now what proof of citizenship have you got of your wife? Do you claim she is a citizen? A Yes sir.
Q Well, she is not on the 1880 roll, you will have to prove her citizenship, you say her father's name was John Buckner? A Yes sir.
Q And her mother's name was Amanda Rowe? A Yes sir.
Q Were her father, John Buckner, and Amanda Rowe, slaves?
A Amanda Rowe was.
Q To whom did she belong? A I think she belonged to a man by the name of Dick Carter.
Q Was he a Cherokee citizen? A Yes sir.
Q Indian? A Yes sir.
Q Well, was your wife, Chaney Rowe, taken out of the Cherokee Nation during the war? A No sir.
Q Was she always lived in the Cherokee Nation? A She went South.
Q When did she return to the Cherokee Nation? A She returned back with Dick Carter.
Q When did Dick Carter come back? A He come back before that treaty of '66.
Q Your wife come back before to the Cherokee Nation? A He brought Amanda with him.
Q Well, has she lived in the Cherokee Nation ever since?
A Yes sir.
Q She is now dead, is she? A Yes sir, she died when this girl was a baby.
Q When Chaney was a baby? A Yes sir.
Q Any witnesses, Mr. Vann, you want to present in regard to your wife you can do it? A(No response).
Q Now, what proof have you got of your marriage to her? (Hands Com'r a paper).

Com'r Needles: Applicant presents a marriage certificate certifying that he was married to Miss Chaney Buckner of the Indian Territory, by Rev. Joseph S. Smith, on the 20th day of January, 1893.

Q Now, you say that this wife, Sarah, was the mother of your three older children? A Yes sir, Chaney is the mother of that boy you say isn't on the roll.
Q Is the mother of Tolly? A Yes sir.

BY MR. HASTINGS:

Q When did you and your wife, Sophia, separate? A I could not tell you exactly when that was; it has been quite a while; I could not tell you exactly when it was; of course she married and I married.
Q You never got any divorce from her? A No sir. Neither one of us never applied for any divorce.
Q How long did you live with her as husabnd and wife; you say Sophia was your first wife? A I guess as near as I can get at it, we lived together three or four years together.
Q She is living now? A I think she is, I haven't heard of her being dead.
Q And after you separated from her you married Sarah? A Yes sir.
Q And your second wife is dead is she? A Yes sir.
Q She died before you married your third wife? A Yes sir.
Q Where did you go during the war? A Well, I went up in the State a while.
Q Kansas? A Yes sir.

Q Where did you live before the war? A I lived on Grand River.
Q When did you first become acquainted with your first wife, when did you and she get acquainted? A When I first knowed her, if you want me to tell you, it is a pretty old thing to tell, I have been knowing her ever since she was about that high (indicating) I first knew her on Big Creek.
Q That was after the war? A Yes sir.
Q Well, about how long after the war? A I don't know, sir, how long.
Q It was several years after the war? A I guess, I don't know. I know I came from the river up there.
Q Well, tell me about how long it was? A I told you I just could not come out and say.
Q When did you first know her mother, was that when you first knew Chaney's mother? A Of course, I knew her mother before I knew her.
Q Well, about how long before you knew her? A I could not tell you.
Q Did you meet her first on Big Creek, Chaney's mother? A No sir, the first place I ever saw her was on the river.
Q Was that before or after the war? A It was after the war.
Q How old are you? A I don't know exactly how old I am, as I aforesaid I said I was along about 46 I don't know exactly how old I am.
Q How long was it after the war when you first saw Chaney's mother?
A That is something else I can't tell.
Q You were a small boy at that time? A Yes sir.
Q Then what you said with reference to her when she returned after the war is what you have been told? A Yes sir.

BY COM'R NEEDLES:

Q Well, now, have you any other testimony that you want to bring in with reference to Chaney's mother? A Guess I will have to have witnesses for her.
Q Have you got any? I don't know whether any of her folks is here or not, we just got here.
Q What was your first wife's name before you married her?
A Riley.

COM'R NEEDLES: Applicant applies for the enrollment of himself, his wife, Chaney, and four children, Phillis A., Mary J., Bessie and Tolly. He is duly identified upon the authenticated roll of 1880 and census roll of 1896. His children, Phillis A., Mary J., and Bessie, are identified upon the census roll of 1896. His younger child, Tolly, cannot be identified upon the census roll of 1896, having been born after the said roll was completed. It will be necessary for him to make satisfactory proof as to the birth of said Tolly. He avers that he was first married to one Sophie Riley, from whom he is now separated. He avers that he has no divorce from the said Sophia Riley. He avers that he was afterwards married to one Sarah Ewing, who is the mother of Phillis A., Mary J. and Bessie, but presents no proof of marriage, and the name of Sarah Ewing is not found upon the authenticated roll of 1880. He avers that he is now married to one Chaney Rowe and presents satisfactory proof of said marriage, by whom he has his youngest child, Tolly, and the name of his wife, Chaney, cannot be found upon the authenticated roll of 1880, neither can the name of her mother, Amanda Rowe.

They are all duly identified according to the page and number of the rolls as indicated, and applicant makes satisfactory proof of his residence, consequently Gilbert Vann will be listed for enrollment as a Cherokee Freedman. By reason of the fact that there is no proof of divorce presented between the applicant and his first wife, Sophia, from

when he is now separated, and the further fact that he makes no proof of marriage between himself and his wife, Sarah, whom he avers is the mother of his three older children, the said Phillip A., Mary J., and Theodo, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. And inasmuch as the fact that he presents no proof further of the divorce between himself and his first wife, his child, Tolly, will be listed for enrollment as a Cherokee Freedman upon a doubtful card, it being the child of his last wife. It will also be necessary for satisfactory proof to be presented of the birth of the said Tolly. Applicant will be duly notified of the action of the Commission when arrived at.

Applicant also applies for the enrollment of his wife, Chaney. Because of the fact that her name is not found upon the authenticated roll of 1880 and no satisfactory proof being made as to her citizenship, she will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card.

GILBERT VANN, recalled:

Q Did you ever draw any money for your wife? A No sir.
Q Did she ever draw any? A Yes sir, she said she drawed some.
Q Has she always gone by the name of Chaney Rowe? A Yes sir, I guess so, of course I just drawed for me and my children.
Q Now, when were you married to your first wife; was that after the war or before the war? A It was away after the war.
Q After the war? A Yes sir.
Q How long did you live with her? A First wife, I lived with her some three or four years.
Q Did you ever have any divorce from her? A No sir.
Q Was she a state woman did you say? A No sir.
Q What year were you married to your second wife, do you recollect?
A No sir, I don't; I went down before the Clerk and paid him a quarter for him to put it on the book and I don't know whether he ever done that or not; Mr. Carey was Clerk at that time.
Q You got anybody here that knows about your second wife?
A If they have got here.
Q Have you been living with her continuously ever since you married her; you did until she died? A Yes sir.
BY MR. HASTINGS: Who married you to your second wife? A John Baldridge.
BY COM'R NEEDLES: Is he living? A Yes sir.
BY MR. HASTINGS: Who married you to your first wife? A Nathan Duffin.
Q And parted? A Yes sir, he is dead now.
BY COM'R NEEDLES: You were regularly married to her were you, your first wife? A Yes sir.
Q Lived with her as your wife? A Yes sir.
Q You don't know whether Sarah Riley was a citizen of the United States or a Cherokee? (No response).
Q Was she a Cherokee citizen, Sarah Riley? A No sir.
Q She was known as a state woman, was she? A Yes sir, she come from the south.
Q You never went through any form of divorce between you and your

First wife? A. No sir, she married and I married.

-oOo-

J. O. Pearce, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. PEARCE.

Subscribed and sworn to before me this 28th day of June, 1901.

(Signed) T. B. MCKEEVER,
Commissioner.

-oOo-

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states: That the above and foregoing is a true and correct copy of the original testimony now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 30, 1904.

Charles H. Stringer
Notary Public.

10039

RECORDING OF APPLICANTS

# CHEROKEE FREEDMEN

Date [illegible]

Enrollment [illegible]

District [illegible]

1. Name

Owner's name

Age

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Citizenship

2. Name of wife Nancy Lane

Age [illegible]

Owner's name

Citizenship

Year Page No. District

Parents

Father Wm Lucker

Citizenship

Mother Amanda Rose - dead

Citizenship

Names of Children

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 3. | Willis | " Lane | Year 80 | Page 24 | No. 67 | Dist. Coo | | 14 |
| 4. | Mary | " | Year " | Page 24 | No. 67 | Dist. " | | 12 |
| 5. | Lizzie | " | Year " | Page 24 | No. 69 | Dist. " | | 9 |
| 6. | Frank | " | Year — | Page — | No. — | Dist. — | | 4 |
| 7. | | | Year | Page | No. | Dist. | | |
| 8. | | | Year | Page | No. | Dist. | | |
| 9. | | | Year | Page | No. | Dist. | | |
| 10 | | | Year | Page | No. | Dist. | | |
| 11. | | | Year | Page | No. | Dist. | | |
| 12. | | | Year | Page | No. | Dist. | | |

Application made by Lizzie Lane

Stenographer J. C. Fossom

In 1896 roll as F. Ann Lane
" 1896 " " Mary Lane
Affidavit of birth required.

X Reg.

1L737

# Certificate of Marriage

THIS CERTIFIES THAT

according to the ordinance of God and the law of the [illegible]

at [illegible] on the [illegible]

day of [illegible] in the year of

our Lord one thousand eight hundred and [illegible]

[illegible]

of [illegible] State of

AND

[illegible]

of [illegible] State of [illegible]

WERE BY ME UNITED

In Holy Matrimony.

[illegible]

[illegible]

[illegible]

WITNESSES.

IN RE

Application for Enrollment of

INFANT CHILD

Sallie Barnes

as a citizen of

Cherokee Nation

Approved July 1st 1901.

T. B. Needles

Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

July 1, 1901

acting

Chairman.

Copy

DEPARTMENT OF THE INTERIOR.

# COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT AS A CITIZEN OF THE Cherokee Nation of Dollie Vann born on the 4th day of April, 1897

Father of Dollie Gilbert Vann a citizen of the Cherokee Nation

Mother of Dollie Chaney Vann a citizen of the Cherokee Nation

Post Office Lincoln, I.T.

## AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Chaney Vann on oath state that I am 27 years of age and a citizen by Treaty of the Cherokee Nation, that I am the lawful wife of Gilbert Vann who is a citizen, by Treaty of the Cherokee Nation, that a male (Male or Female) child was born to me on 4th day of April, 1897, that said child has been named Dollie Vann, and is now living.

Seal

WITNESSES TO MARK.

(Must be Two Witnesses.)

Chaney Vann.

Subscribed and sworn to before me this 25th day of June, 1901.

Wm E. Twitchell
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Lizzie Buckner, a midwife, on oath state that I attended on Mrs. Chaney Vann, wife of Gilbert Vann on the 4th day of April, 1897; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Dollie Vann.

Seal

WITNESSES TO MARK:

Lizzie L F Buckner, mark

(Must be Two Witnesses.)
W. E. Twitchell
G. H. Grady

Subscribed and sworn to before me this 2d day of June, 1901.

My Com. Expirs. Sept 11th, 1901

Wm E. Twitchell
Notary Public.

FILED
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CLERK, U.S.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 30, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN ET AL., as Cherokee freedmen.

It appears from the records of the Commission that on January 13, 1906, the principal applicant, her attorney, and the attorneys for the Cherokee Nation were notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on January 30, 1906, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant is represented by attorney, T. L. Brown.
Cherokee Nation by its representative, W. W. Hastings.

KATE TAYLOR, being first duly sworn, testified as follows:

BY MR. BROWN:
Q What is your name? A Kate Tayler.
Q How old are you? A I am about 58 or 59.
Q Where do you live? A I live at Lenapah.
Q What Nation? A Cherokee Nation.
Q How long have you lived in the Cherokee Nation, Aunt Kate?
A I was born in the Cherokee Nation.
Q Lived all your life in the Cherokee Nation? A Yes sir.
Q Have you ever been out of the Cherokee Nation to remain any length of time? A Yes sir in time of the war, I was back in '66.
Q You came back in ~~1866~~ 1866? A Yes sir.
Q Do you know Chaney Vann? A Yes sir.
Q Where does she now live? A She lives at Claremore now.
Q Was she born in the Cherokee Nation? A Yes sir.
Q What was her name before she married? A They called her Chaney Rowe then, they changed her name to Chaney Foreman, she was a little girl and her grand-father let her stay with Mr. Foreman awhile and they just called her Chaney Foreman, but I can't tell by what name she was put on the roll.
Q She is apt to have been put on the roll as Chaney Foreman, Chaney Rowe or Chaney Buckner? A Yes sir.
Q Who is her father? A John Buckner.
Q He is here today? A Yes sir.
Q Who was her mother? A Amanda Buckner was her name, she belonged to Carter, John Carter.
Q Lets see if we get that right Aunt Kate, Chaney Vann was the daughter of Amanda Rowe? A Yes sir.
Q And Amanda Rowe was the daughter of whom? A Jesse Rowe and Debbie Rowe.
Q Was Amanda Rowe a slave during the war? A Yes sir.
Q The mother of Chaney Vann? A Yes sir.
Q Who did she belong to? A David Carter and John Carter.
Q I want to ask you now was it Dave Carter or Dick? A Dave Carter.
Q What relation was Dave and Dick? A Dick was the son of David.
Q How old is Chaney Vann? A She is about 30 years old I guess, I am not sure.
Q Is she married? A Yes sir she is married.

Q Whose wife is she now? A Gilbert Vann.
Q Is there any children by that marriage? A Yes sir, one.
Q What is its name? A A boy Tobile.
Q How old is Tobile? A He is about nearly 8 years old.
Q Do you know Gilbert Vann? A Yes sir.
Q Is Gilbert Vann a freedman? A Yes sir.
Q Was he a slave during the war? A Yes sir, before the war, the war freed him the same as all the rest of us.
Q And you say that Chaney Vann's mother was the slave of Dave Carter? A Yes sir.
Q And her mother also was a slave? A Yes sir her mother was a slave of John Carter.
Q Where did he live? A Park Hill.
Q Where is Park Hill? A Below Tahlequah not far from Tahlequah.
Q Do you know where Chaney was born? A She was born on Grand River.
Q Where was Amanda born, her mother? A She was born on Carter's place.
Q She was born before the war? A Yes sir.
Q Born a slave? A Yes sir.
Q Chaney wasn't born until after the war? A No sir.
Q You think that Chaney is on the 1880 Roll? A Yes sir, I think she ought to be. No she wasn't I think she wasn't put on the 1880 Roll, she is on the Wallace Roll I think.
Q On the Wallace Roll? A Yes sir, I think.
Q She was on the Wallace Roll? A Yes sir, I think they drawed in the time of the Wallace payment, I am not sure.

Mr. Hastings: Comes not the representative of the Cherokee Nation and move to strike out this testimony for the reason that the record is the best testimony , the rolls being in the possession of the Commission.

Q If she is on any of those rolls, what in your opinion would be the name under which she would be enrolled? A It would either be Foreman or Rowe.
Q Might it not be Buckner? A I don't know as it would be, she never was with Buckner.
Q She is his daughter? A Yes sir but she never stayed with them.
Q You think then it would be either Chaney Foreman or Chaney Rowe?
A Yes sir, I wasn't there, I didn't live in that neighborhood, I couldn't say exactly, but I suppose it would.
Q Were you living in the neighborhood at the time she was born?
A No sir, but they sent word to me about her mother's death after she was born, you see she was born before the first payment at Vinita.
Q Chaney was born before the first payment at Vinita? A Yes sir.
Q And he sent you word of her death? A Yes sir, she was a baby.
Q Are you acquainted with Gilbert Vann's children by a former wife? A Yes sir.
Q What are their names? A There is one named Viola Ann, the other Mary, and the youngest one is named, I can't think of it.
Q By way of refreshing your memory is it not Bessie? A Yes sir.
Q You are acquainted with those three children? A Yes sir.
Q They are by a former wife? A Yes sir.
Q Do you know that Gilbert Vann and this former wife, do you remember her name? A Sarah Ewing.
Q Do you know that they were married? A Yes sir.
Q About what year were they married? A I don't remember what year, I never paid any attention.

Q Were these three children, Viola, Mary and Bessie born during the time they were living together as man and wife? A Yes sir.
Q Were you in the locality near these people to know about their ages? A I couldn't have if I had paid any attention, I lived at Gibson and he lived right thereto, I was there.
Q You were living in the same neighborhood? A Yes sir.
Q And you do know that they were born during their marriage?
A Yes sir.

BY MR. HASTINGS:
No cross examination.

JOHN BUCKNER, being first duly sworn, testified as follows:

BY MR. KNOWS:
Q What is your name? A John Buckner.
Q Where do you live? A Vlaremore.
Q How old are you? A 62.
Q How long have you lived in the Cherokee Nation? A I don't know just about how long.
Q About how long? A About 32 or 33 years, maybe longer.
Q Were you evermarried? A Yes sir.
Q How many times? A Twice.
Q Who was your first wife? A Amanda Rowe.
Q Did you know Amanda Rowe's mother? A No sir.
Q Your wife was Amanda Rowe? A Yes sir.
Q Do you know Chaney Vann? A Yes sir.
Q Who is she? A My daughter.
Q Do you know whose daughter she was? A Daughter of Amanda Rowe.
Q You know of your own knowledge that Amanda Rowe was a slave?
A I couldn't say positive that she was, I heard she was.
Q It is only a matter of information? A Yes sir.
Q How many children have you by that first marriage? A Two, one died.
Q One living? A Yes sir.
Q That is Chaney? A Yes sir.
Q Is she now the wife of Gilbert Vann? A Yes sir.
Q Do you know her child? A Yes sir.
Q What is her child's name? A ~~xxxxxxxxxx~~ Tollie Vann.
Q How old is he? A About 7 or 8 years old.
Q Do you know when Gilbert Vann and Chaney were married? A Yes sir.
Q What year was it in? A I forget just what year it was, they married at my house.
Q Do you know that this child has been born during the marriage relation of these people? A Born after they were married.

BY THE COMMISSION:
Q Your name is John Buckner? A Yes sir.
Q You are not a Cherokee freedman? A No sir.
Q You make no claim to enrollment? A No sir.
Q Your wife's name was Amanda Rowe? A Yes sir.
Q Was she the slave of a Cherokee citizen? A I don't know anything about that.
Q You don't know anything about that? A Nothing about the slave part.
Q You never knew anything about her until after the war? A No sir.

BY MR. HASTINGS:
No cross examination.

KATE YATRON, being recalled, testified as follows:

BY MR. BROWN:
Q I want to ask you about Amanda Rowe's father also, who was Amanda Rowe's father? A Old man Jess Rowe.

BY MR. HASTINGS:
Q Was Jess Rowe a slave? A He was a slave, but he set him free before the war.

BY MR. BROWN:
Q Chaney Vann's grand-mother was a slave? A Yes sir.

BY THE COMMISSION:
Q What was the mother of Chaney Vann? A Amanda Rowe, Amanda Buckner when she died.
Q Who did she belong to when the war broke out? A Belonged to Dave Carter and John Carter.
Q Were they Cherokees by blood? A Yes sir.
Q Where did Amanda go during the war? A Went north.
Q To Kansas? A Yes sir, with her mother and father.
Q When did she return? A I told you she went to Kansas and when Price's army went through Kansas and made a raid he captured her and took her to the Choctaw Nation and she met her young master and he knowed her and he took her away from the rebels and held her down in the Choctaw Nation until 1866 and then she come back here in 1866.
Q You saw her did you? A Yes sir.
Q Where did you see her in 1866? A On Grand River.
Q Whereabouts on Grand River? A At the Bob Daniels place, Mrs. Rowe and Lucy Rowe, and Arch Landrum all lived there.
Q Where did you go during the war? A To Kansas.
Q When did you come back? A In 1866.
Q Who with? A Jess Rowe, George Musgrove and a big lot of them.
Q Are you on the 1880 Roll? A Yes sir.
Q You saw Amanda Foreman or Rowe or Buckner in the Cherokee Nation on Grand River, what time in the year of 1866? A In the fall.
Q Do you know where she died? A She died on Grand River.
Q Where did she live from 1866 until she died, what Nation? A In the Cherokee Nation.
Q Was she ever out? A She was about Chetopa, she would go there to work sometimes because they had to do that, go work a month and come back home.
Q Where were you living when the war broke out? A I was living in Saline District.
Q How far from where Chaney Rowe was living or Amanda Rowe? A About 25 miles west of Tahlequah.
Q Did you know her when the war broke out? A Yes sir.
Q Had you been up to where she was living? A Yes sir I had been there.
Q She was owned by Carters and who were you owned by? A I was owned by the Rowes, my husband was owned by the Vanns.
Q

BY MR. HASTINGS:
Q Where did you live when the war broke out? A On Spring Creek.
Q Where did Amanda Rowe live? A At Park Hill.
Q How far was that from Spring Creek? A About 25 or 30 miles.

Q How long had it been before the war since you had seen Amanda Rowe? A I seen her just about, well it wasn't a year, I seen her the same year the war broke out.
Q She went to Kansas too, did she? A Yes sir.
Q And you went to Kansas? A Yes sir.
Q Did you see her in Kansas? A Yes sir.
Q Where at? A Up there where I lived at Ossawattame and I saw her at Fort Scott.
Q What year did you see her at Fort Scott? A I couldn't tell you about what year.
Q What year is this? A This is 1905 I believe they call it, I just have to go by what they say, I can't tell.
Q What year did they make that Chardee payment? A I don't know, I can't tell unless they tell me.
Q What was Amanda Rowe's young master's name? A There was Dick and Alex.
Q The one that came back with her? A Ben I think it was.
Q Where did he bring her? A He brought her here from the Choctaw Nation.
Q I mean where did he bring her back? A He didn't bring her back.
Q Who did? A Mr. Foster, she and Malissa, Lou, Clara, and Clyda Foster, and a man was named, I forget his name.
Q Whereddid they bring them back to, the Bob Daniels place? A No/
Q Where did they come to? A Fort Gibson and stopped.
Q You never saw them at Fort Gibson? A No but that is what they said, she found out where her brother was and she went with somebody up to Bob Daniels and there is where I seen her.
Q She claims to be a niece of yours? A She is my half sister.
Q This Chaney? A No, she is a niece.
Q You never have seen fit to give testimony for her before? A No sir, they didn't ask me.
Q She has lived in this country all her life and never been able to get on any roll? A Never tried.
Q You never tried to get her on the roll? A No sir.
Q Never testified for her before? A No sir.
Q Knew these facts and didn't tell her? A I would if they had of asked me.
Q You were around where the Commission was sitting wasn't you?
A Yes sir, if they had come and asked me I would have done it.
Q Never asked you? A She come and talked to me once and I went to Nowata, but they didn't call me up.
Q Who was Amanda Rowe living with after the war when you first saw her? A She was living with my brother at the old Bob Daniels place.
Q Right in the same old house? A Yessir.
Q Was Bob there then? A No sir he was in the auth.
Q How long after that before Bob Daniels returned? A I couldn't tell about the year, I guess maybe right a way after, I didn't stay there but two months.
Q You stayed up there at the Bob Daniels place two months? A Yes sir.
Q Right there? A Yes sir.
Q What two months was it? A September and October, I was there long about the last of August until they had that killing scrape, my husband was in it and he come after me and taken me down to the Smith Vann place, I had been there and stayed there the year befor e that.
Q Then young Carter never brought Amanda back? A Not in the Cherokee Nation, I never seen her until after she come back, I never seen her until she come back there at the Bob Daniels place, then I saw her off and on until she died.

Q How long did she live around the Bob Bonidle place? A I couldn't tell you that, I think she married.
Q Then where did she go to? A Around there on Grand River somewhere.
Q Near where? A Yes sir, then I saw her on Big Creek, she had married John Buckner.
Q Where did she marry? A I don't know, you can ask him that.

JOHN BUCKNER, being recalled, testified as follows:

BY MR. HASTINGS:
Q Is your name John Buckner? A Yes sir.
Q When did you first know Amanda Rowe? A After the war.
Q Where did you marry her? A Big Creek.
Q In what year? A I don't know exactly what year it was.
Q How long had you known her when you married her? A About a year.
Q What year did you marry? A I don't know, I have forgotten.
Q How long before Chaney Vann's birth , was she your eldest child by her? A No sir I had another one before her and she died.
Q About how long after the war was it? A I couldn't say that, I don't know positively.
Q Well your best judgment about how long was it, how old are you now? A 52.
Q How old were you when you married Amanda Rowe? A I don't know exactly how old I was.
Q About how old? A I don't know positive.
Q Never said you knew positive, but I want to know about how old you were when you married her? A I expect about 26 or 27, maybe a little elder.
Q You are about 52 now? A Yes sir, soon will be.
Q That will make you born about 1853, then if you were 26 or 27 you married in 1878 or 1879? A Yes sir somewhere along there.
Q And this is the second child of that marriage? A Yes sir.
Q Then you knew her about a year before that marriage in 1876 or 1877? A Yes sir.

GILBERT VANN, recalled for additional testimony, on behalf of the Cherokee Nation.

BY MR. HASTINGS:
Q Your name is Gilbert Vann? A That is my name.
Q How old are you? A I don't know exactly somewhere along in 40.
Q Are you 40 years old? A I guess so.
Q Are you 75? A No I know I am not 75, don't think I am.
Q Were you a slave? A I think I was.
Q Do you remember before the war? A I remember being a pretty good size boy.
Q Were you a soldier in the army? A I guess I wasn't no soldier, I wasn't hardly big enough to carry a bucket of water.
Q Where did you go to during the war? A I went with the folks when they taken us out.
Q Where to? A Fort Scott I think.
Q Did you go back with the folks? A Yes sir.
Q Who did Amanda belong to before the war? A Now you are asking me something I know nothing about.
Q What did you swear? A I never swore I told you what I was told.
Q Is that the way you are swearing? A I said that is the way I understood she belonged to Dick Carter.

Q Didn't you swear that Dick Carter brought her back? A That is what I said I was told by her cousin.
Q Then you don't know of your own knowledge? A No sir.
Q Then you didn't talk to Kate Vann then? A I knew she was her sister.
Q Didn't you swear that Dick Carter brought her back here before the Treaty of 1866 when you were on the stand June 16, 1901?
A Not that I know of.
Q If you swore that is that true? A All I can say is that I was told that but I don't see how I come to say that.
Q I will ask you if you didn't swear in answer to this question, "To whom did she belong?" "I think she belonged to man by the name of Dick Carter."? A I think so.
Q Was he a Cherokee citizen, answer, Yes sir? A That is likely, that is the way I understood it.
Q I will ask you in answer to this question, "Has she always lived in the Cherokee Nation", your answer was "She went South."? A I understood she went south.
Q "Did she return to the Cherokee Nation," answer, "Y_ sir."? A That is the way I understood it.
Q You came in here under oath and swore positively on June 17, 1901, of these facts before the Commission didn't you? A I don't know anything about that.
Q You never saw Amanda Rowe yourself until sometime after the war did you, you don't know of your own personal knowledge? A Well of course when I saw Amanda Rowe to know Amanda Rowe, I was a good big boy, was getting to be a young man.
Q About how long after the war, ten years? A I don't know what time of year it was or nothing about it, I don't know one year from another, only when I hear somebody say.
Q You don't know this year from no other year? A Of course I do now.
Q What year was that big payment made? A I don't know that.
Q What year was the Wallace payment made? A I don't know never kept no account of it.
Q What year were you married? A I couldn't tell you that because my memory is short, if I could go back and look on the book I could tell what year it was.
Q It was a number of years after the war before you saw Amanda?
A I don't know.
Q I am trying to get your knowledge about this, that is what I am after, you say you were a grown man? A Yes sir.
Q Was it as much as ten years after the war when you first was Amanda? A I reckon it was, somewhere along there.
Q That is your best judgment? A Yes sir, I guess.
Q Where did you first see her? A The first place I seen her was on Cabin Creek near Chetopa, I lived there.
Q What was your father's name? A They told me his name was Tobe Vann, I never did see him.
Q What was your mother's name? A Rettie Vann, Kate Vann's sister.
Q Where did you come back to after the war? A I went to Spring Creek where I was bred and born.
Q How far is that Bob Daniels place on Grand River from Spring Creek? A I don't know anything about the Bob Daniels place.
Q How far is that part of Grand River just south of Vinita from where you were on Spring Creek? A I couldn't tell you that.
Q Well how far from where you lived to Vinita, where the town now is? A I couldn't tellyou that, all I remember I know is I come to Spring Creek, I can remember after I got up a good size boy, young man, and come up to Chetopa and worked there awhile, and come back and go in there through by Rock Creek and Alberty's, and maybe to Spring Creek, that is all I know about it.

Q Was Amanda coming down from Kansas when you saw her there near Chetopa? A No sir.
Q What was she doing up there? A She came from down off the river, I was going to Chetopa to work.
Q That was about ten years after the war? A I guess so.
Q Had you ever been down on Grand River around there south of Vinita? A Never have been there.
Q Never heard of that section of country? A Yes sir, I think I heard of it.
Q Were you ever at Park Hill before the war? A No sir.
Q You never saw Amanda before the war? A I didn't say I saw her.
Q She didn't belong to Dick Carter before the war? A I told you I heard she belonged to Dick Carter.
Q Is Amanda dead now? A Yes sir.

BY MR. BROWN:
Q Did Amanda Rowe marry or or die before you were married to this last woman? A She was dead.
Q Amanda Rowe is Chaney's mother? A Yes sir.
Q Was she dead at the time you were married? A Yes sir.
Q How long has it been since you married? A I can't tell you how long.
Q Can you estimate? A No sir.
Q Then you think you have known Amanda Rowe from about ten years after the war up until the time of her death? A Yes sir.
Q Did she live in the Cherokee Nation continuously? A When I saw her she was living in the Territory all the days I knew her.
Q You don't know who she belonged to except what you have been told? A That is all I know.

C A S E  C L O S E D.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 4th day of February, 1905.

Notary Public.

Cherokee Freedmen
D-737.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Phillis Ann Vann, et al., as Cherokee freedmen.

ORDER.

It appears from the record in this case that on June 17, 1901, Gilbert Vann appeared before this Commission, at Nowata, Indian Territory, and made application for the enrollment of his four minor children, Phillis Ann, Mary Jane, Bessie and Tollie Vann, as Cherokee freedmen, their names being listed on Card, Cherokee Freedmen D-743.

The evidence herein shows that the applicants, Phillis Ann, Mary Jane, Bessie and Tollie Vann, are the children of Gilbert Vann, who is identified upon the 1880 Authenticated Cherokee Roll, and whose name appears as No. 3066 upon the lists prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior April 30, 1904.

The evidence further shows that the applicants have resided continuously in the Cherokee Nation from the date of their birth up to and including the date of this application.

It is therefore ordered that Phillis Ann Vann, Mary Jane Vann, Bessie Vann and Tollie Vann be transferred from Card, Cherokee Freedmen D-737 to Freedman Card 921.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. R. Breckinridge
Commissioner in Charge.

Muskogee, Indian Territory,
February 23, 1906.

POOR ORIGINAL -
BEST AVAILABLE COPY

Cherokee Freedman
D 737

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman.

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# D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That on June 17, 1901, Gilbert Vann appeared before the Commission at Newata, Indian Territory, and made application for the enrollment of, among others, his wife, Chaney Vann, as a Cherokee freedman. The others included in said application have been otherwise disposed of, and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Further proceedings in the matter of said application were had on January 30, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Chaney Vann, was born since the commencement of the rebellion, is the daughter of one Amanda Buckner, nee Rowe, deceased, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of her said mother; that the said Amanda Buckner, nee Rowe, deceased, was, at the commencement of the war of the rebellion, the slave of a Cherokee citizen, and was taken from the Cherokee Nation during said rebellion. But, after ample opportunity having been afforded, it is not established by satisfactory evidence that the said Amanda Buckner, nee Rowe, deceased,

returned to the Cherokee Nation and established a residence therein, within the time specified in the decree of the Court of Claims rendered February 5, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. Neither the said applicant herein nor her mother can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THE COMMISSION: That, following the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 844-04), William Hester, (I.T.D. 4466-04) Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2246-04), Ad Williams (I.T.D. 4[illegible]0-04), and Moses Ross (I.T.D. 6086-04), the application for the enrollment of Chaney Vann as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge,
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 30 1905

FILED
JAN 12 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 4, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee Freedman.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, James S. Davenport.

KATIE TAYLOR, being first duly sworn, testified as follows.

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Katie Taylor.
Q What is your post office? A Lenapah.
Q How old are you? A I guess I am about 59 years old as near as I can come at it.
Q Are you a Cherokee freedman ? A Yes sir.
Q You appear here today for the purpose of giving some testimony in the Cherokee freedman case of Chaney Vann? do you? A Yes sir.
Q You have heretofore testified in her case, have you? A Yes sir.
Q That was on January 30, 1905? A Yes sir.
Q What is the reason Chaney Vann is not present in person? A She was sick at that time? A At what time? A The time I was here in January a year ago.
Q Do you know why she is not here today? A No sir.
Q Do you know why she has no witnesses other than yourself here today? A No sir, I don:t, there were other witnesses that were to come besides me.
Q Do you know whether she has made any effort to get any one else to testify for her? A No sir, I don't.
Q Where does she live at the present time? A Claremore.
Q Is there anything additional that you can state in your testimony now that you did not state in your former testimony? A I don:t know as I do more than that she certainly is a citizen by her mot her.
Q That is theonly claim she has is through her mother? A Yes sir.
Q Her mother was named what? A Amanda Carter, Rowe she went by but she belonged to the Carters.
Q What Carter? A David Carter and Jane Carter.
Q What relation were David and Jane Carter? A They were man and wife.
Q Are they the only people that Amanda ever belonged to before the war? A They had children, David and Jane.
Q What were their names? A Dick and Alex and John Carter and Ben Carter.
Q Did the old folks die before the war? A No sir, just after the war, just after they come home in '66 if I mistake not. There was Anna Carter, and Sallie, and Jeff and Osie.
Q Are those children of David and Jane Carter? A Yes sir.
Q Which of the Carter's owned this Amanda? A I think it was Ben.
Q Do you know which one owned her? A I don't know which one, the old folks give her to, I know David and Jane owned them all but I don't know which ones she give to her children after they married off.

Q How was Jane Carter living when the war broke out? A Yes sir.
Q Was she the owner of Amanda at that time? A Yes sir, right on her place there at that time.
Q And you went south during the war did you? A No sir, I went north, I went south just before the war and he brought me back and then I went north.
Q Did Amanda go south or north? A She didn't go south before the war but in the time of the war they taken her south as far as the Choctaw Nation.
Q Do you know when she came back to the Cherokee nation? A In '66.
Q How do you know that? A I saw her in the fall of '66.
Q Whereabouts? A On Grand River at Bob Daniels place.
Q In the Cherokee Nation? A Yes sir.
Q Who was with her when you saw her? A She was staying at a place where I stayed, I went to Lewis Rowe's on Bob Daniels place, he was staying there, had made a crop there and she was staying there.
Q Was Lewis Rowe a white man, Cherokee or freedman? A Freedman.
Q How long did Amanda Rowe live after the war? A She lived until the first payment that was paidout at Vinita, I think they said it was in '65, she died just before that payment, in that year that that payment was paid out here to the citizens, the first bread money.

BY MR. DAVENPORT:
Q You say she belonged to who? A Garther.
Q Whoih one of the Carters? A Old man Carter and Mrs. Carter. I couldn't say any one else.
Q I thought you testified awhile ago that she belonged to certain one of the Carters? A David and Jane Carter.
Q In your former testimony you said she belonged to David and John Carter? A No sir, if I did I made a mistake.
Q I will ask you if you said this, "Who did she belong to when the war broke out," answer "Dave Carter and John Carter?" A No sir cause John Carter was her son.
Q You don't know who she belonged to do you? A She belonged to the old folks because they were the ones that owned her at that time.
Q How far did you live from them at that time? A I lived upon Spring Creek about 25 or 30 miles then.
Q You didn't see them very often? A No sir, only when I stayed down there.
Q How long was it before you were down there before the war broke out? A I was down there when the war broke out.
Q Had they gone south during the war? A Yes sir.
Q Which one brought her back? A Wasn't either one brought her back, but they taken her away from some of Prices' men that had her.
Q Were you down there? A No sir.
Q How do you know? A She told me.
Q You don't know then where she was? A No sir.
Q You can't say positively what year you saw her back in the Cherokee Nation? A Yes sir, it was in '66 cause everybody said it was.
Q Had the same parties returned when you saw her at the Bob Daniels place? A They come home that year.
Q What time of the year was it you saw them there? A I didn't see the old folks.
Q The boys, John or Dave? A John Carter, I saw him---I never saw none of the rest of the boys until since the war but John Carter---
Q Did you see either of the Carters the same year you saw her back up there? A No sir, I didN't.
Q Who did she come back up there with ? A Malissa Forester and Bob Forester.

Q You are trusting to your memory as to the time it was you saw her up there? A Yes sir.

Q Can you tell me what year the Rose-Clifton roll was made? A No sir.

Q Can you tell me what year the Wallace roll was made? A No sir, I can't, if I got it counted up I can tell you.

Q You don't know anything more than what you testified at the other trial? A No sir.

Q You were not present when this applicant was born and don't know anything about where she was born? A No sir, I wasn't there.

Q And you don't know of your own knowledge whether her mother belonged to the Carters when the war broke out do you? A Yes sir, I do, I was there just when the war commenced and saw her, she was there and her mother was there.

Q But you don't know but what they were all sold before the war broke out? A They might have been, but I don't know it, it was Miss Jane and so that way.

Q It was that way after the war when they would meet? A Yes sir, some of them, I used to stay there with them and the old lady was glad to see me.

W I T N E S S E X C U S E D .

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 11th day of January, 1906.

Chas. E. Webster

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 4, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee Freedman.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, James B. Davenport.

KATIE TAYLOR, being first duly sworn, testified as follows.

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Katie Taylor.
Q What is your post office? A Lenapah.
Q How old are you? A I guess I am about 59 years old as near as I can come at it.
Q Are you a Cherokee freedman ? A Yes sir.
Q You appear here today for the purpose of giving some testimony in the Cherokee freedman case of Chaney Vann? do you? A Yes sir.
Q You have heretofore testified in her case, have you? A Yes sir.
Q That was on January 30, 1905? A Yes sir.
Q What is the reason Chaney Vann is not present in person? A She was sick at that time? A At what time? A The time I was here in January a year ago.
Q Do you know why she is not here today? A No sir.
Q Do you know why she has no witnesses other than yourself here today? A No sir, I don:t, there were other witnesses that were to come besides me.
Q Do you know whether she has made any effort to get any one else to testify for her? A No sir, I don't.
Q Where does she live at the present time? A Claremore.
Q Is there anything additional that you can state in your testimony now that you did not state in your former testimony? A I don:t know as I do more than that she certainly is a citizen by her and her.
Q That is theonly claim she has is through her mother? A Yes sir.
Q Her mother was named what? A Amanda Carter, Rowe she went by but she belonged to the Carters.
Q What Carter? A David Carter and Jane Carter.
Q What relation were David and Jane Carter? A They were man and wife.
Q Are they the only people that Amanda ever belonged to before the war? A They had children, David and Jane.
Q What were their names? A Dick and Alex and John Carter and Ben Carter.
Q Did the old folks die before the war? A No sir, just after the war, just after they come home in '66 if I mistake not. There was Anna Carter, and Sallie, and Jeff and Osie.
Q Are these children of David and Jane Carter? A Yes sir.
Q Which of the Carter's owned this Amanda? A I think it was Ben.
Q Do you know which one owned her? A I don't know which one, the old folks give her to, I know David and Jane owned them all but I don't know which ones she give to her children after they married off.

Q Doe was Jane Carter living when the war broke out? A Yes sir.
Q Was she the owner of Amanda at that time? A Yes sir, right on her place then at that time.
Q And you went south during the war did you? A No sir, I went north, I went south just before the war and he brought me back and then I went north.
Q Did Amanda go south or north? A She didn,t go south before the war but in the time of the war they taken her south as far as the Choctaw Nation.
Q Do you know when she came back to the Cherokee nation? A In '66.
Q How do you know that? A I saw her in the fall of '66.
Q Whereabouts? A On Grand River at Bob Daniels place.
Q In the Cherokee Nation? A Yes sir.
Q Who was with her when you saw her? A She was staying at a place where I stayed, I went to Lewis Rowe's on Bob Daniels place, he was staying there, had made a crop there and she was staying there.
Q Was Lewis Rowe a white man, Cherokee or freedman? A Freedman.
Q How long did Amanda Rowe live after the war? A She lived until the first payment that was paidout at Vinita, I think they said it was in '65, she died just before that payment, in that year that that payment was paid out here to the citizens, the first bread money.

BY MR. DAVENPORT:
Q You say she belonged to who? A Garther.
Q Whoih one of the Carters? A Old man Carter and Mrs. Carter. I couldn't say any one else.
Q I thought you testified awhile ago that she belonged to certain one of the Carters? A David and Jane Carter.
Q In your former testimony you said she belonged to David and John Carter? A No sir, if I did I made a mistake.
Q I will ask you if you said this, "Who did she belong to when the war broke out," answer "Dave Carter and John Carter?" A No sir cause John Carter was her son.
Q You don't know who she belonged to do you? A She belonged to the old folks because they were the ones that owned her at that time.
Q How far did you live from them at that time? A I lived upon Spring Creek about 25 or 30 miles then.
Q You didn't see them very often? A No sir, only when I stayed down there.
Q How long was it before you were down there before the war broke out? A I was down there when the war broke out.
Q Had they gone south during the war? A Yes sir.
Q Which one brought her back? A Wasn't either one brought her back, but they taken her away from some of Prices' men that had her.
Q Were you down there? A No sir.
Q How do you know? A She told me.
Q You don't know then where she was? A No sir.
Q You can't say positively what year you saw her back in the Cherokee Nation? A Yes sir, it was in '66 cause everybody said it was.
Q Had the same parties returned when you saw her at the Bob Daniels place? A They came home that year.
Q What time of the year was it you saw them there? A I didn,t see the old folks.
Q The boys, John or Dave? A John Carter, I saw him---I never saw none of the rest of the boys until since the war but John Carter---
Q Did you see either of the Carters the same year you saw her back up there? A No sir, I didN't.
Q Who did she come back up there with ? A Malissa Forester and Bob Forester.

Q You are trusting to your memory as to the time it was you saw her up there? A Yes sir.
Q Can you tell me what year the Kern-Clifton roll was made? A No sir.
Q Can you tell me what year the Wallace roll was made? A No sir, I can't, if I get it counted up I can tell you.
Q You don't know anything more than what you testified at the other trial? A No sir.
Q You were not present when this applicant was born and don't know anything about where she was born? A No sir, I wasn't there.
Q And you don't know of your own knowledge whether her mother belonged to the Carters when the war broke out do you? A Yes sir, I do, I was there just when the war commenced and saw her, she was there and her mother was there.
Q But you don't know but what they were all sold before the war broke out? A They might have been, but I don't know it, it was Miss Jane and on that way.
Q It was that way after the war when they would meet? A Yes sir, some of them, I used to stay there with them and the old lady was glad to see me.

W I T N E S S E X C U S E D .

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 11th day of January, 1906.

Chas E Thebstin

Notary Public.

COMMISSIONER TO THE DISTRICT COURT

FILED
JAN 30 1906

Cherokee Freedmen 3 T87.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 23, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, no Appearance.
For Cherokee nation, James S. Davenport.

KATIE ADAMS, being first duly sworn, testified as follows:

ON BEHALF OF THE CONTESTEE:
Q What is your name? A Katie Adams, my maiden name was Katie Tucker.
Q What is your post office? A Chetopa, Kansas, now.
Q How old are you? A I am 41 years old.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes sir.
Q Do you know Chaney Vann? A Yes sir, I know her, her father was a Buckner.
Q What was his name? A John Buckner.
Q What was her mother's name? A Amanda Buckner.
Q Is she living? A No sir, been dead many years.
Q Is John Buckner living? A Yes sir.
Q Is he a State man? A Yes sir.
Q Has Chaney Vann some children? A I don't know, she had one or two, but I have heard she lost all of her children.
Q Is she married? A She has married my brother now.
Q What is his name? A Gilbert Vann.
Q Is he living? A Yes sir.
Q Do you know whether the mother of Chaney Vann was the slave of a Cherokee? A I don't know sir.
Q How long have you known Chaney? A I have been knowing her since she was a little bit of a baby, I was quite small myself.
Q You have known her then all her life? A Yes sir.
Q Where has she lived all that time? A She lived on Grand River.
Q Has she lived in the Cherokee nation all the time? A Ever since I can remember.
Q Has she ever been out that you know anything about? A No sir.

BY MR. DAVENPORT:
Q When you first knew Chaney Vann's mother, her name was Amanda Buckner? A Yes sir.
Q How long was that after the war? A I don't know.
Q It was several years? A Yes sir.
Q Where is John Buckner living now? A I think he lives on Goose-neck.
Q You don't know where he and Amanda were married? A No sir.
Q He was a state man? A Yes sir.
Q How old are you now? A I am 41.
Q About what size were you when you first saw John Buckner and Amanda living together as man and wife? A I guess I was 8 or 9 years old.

Q. You didn't see him there until after 1898 did you? A. I don't know what time it was.
Q. Well if you are 41 now you were born about 1864 or '65, just before the close of the war? A. Yes sir.
Q. And you were 6 or 7 or 8 years old before you was Buckner and Amanda? A. I think I must have been about that age because I was large enough to nurse babies.

This case was here continued until February 6, 1906, at nine o'clock A. M.

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Geo. R. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. R. Lessley

Subscribed and sworn to before me this 30th day of January, 1906.

Myron Whistler
Notary Public.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 30 1906

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 28, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, no Appearance.
For Cherokee Nation, James S. Davenport.

KATIE ADAMS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Katie Adams, my maiden name was ~~Katie~~Katie Tucker.
Q What is your post office? A Chetopa, Kansas, now.
Q How old are you? A I am 41 years old.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes sir.
Q Do you know Chaney Vann? A Yes sir, I know her, her father was a Buckner.
Q What was his name? A John Buckner.
Q What was her mother's name? A Amanda Buckner.
Q Is she living? A No sir, been dead many years.
Q Is John Buckner living? A Yes sir.
Q Is he a State man? A Yes sir.
Q Has Chaney Vann some children? A I don't know, she had one or two, but I have heard she lost all of her children.
Q Is she married? A She has married my brother now.
Q What is his name? A Gilbert Vann.
Q Is he living? A Yes sir.
Q Do you know whether the mother of Chaney Vann was the slave of a Cherokee? A I don't know sir.
Q How long have you known Chaney? A I have been knowing her since she was a little bit of a baby, I was quite small myself.
Q You have known her then all her life? A Yes sir.
Q Where has she lived all that time? A She lived on Grand River.
Q Has she lived in the Cherokee nation all the time? A Ever since I can remember.
Q Has she ever been out that you know anything about? A No sir.

BY MR. DAVENPORT:
Q When you first knew Chaney Vann's mother, her name was Amanda Buckner? A Yes sir.
Q How long was that after the war? A I don't know.
Q It was several years? A Yes sir.
Q Where is John Buckner living now? A I think he lives on Gooseneck.
Q You don't know where he and Amanda were married? A No sir.
Q He was a state man? A Yes sir.
Q How old are you now? A I am 41.
Q About what size were you when you first saw John Buckner and Amanda living together as man and wife? A I guess I was 8 or 9 years old.

Q You didn't see him then until after 1890 did you? A I don't know what time it was.
Q Well if you are 41 now you were born about 1864 or '65, just before the close of the war? A Yes sir.
Q And you were 6 or 7 or 8 years old before you saw Buckner and Amanda? A I think I must have been about that age because I was large enough to nurse babies.

This case was here continued until February 8, 1906, at nine o'clock A. M.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 30th day of January, 1906.

Meyron White
Notary Public.

Q. [illegible] I see the [illegible] which [illegible] A. [illegible]

Q. [illegible] If you are [illegible] just before the close of the [illegible]

Q. And you were [illegible] 7 or 8 years old before you was [illegible] and [illegible]? A. I think I must have been [illegible] and because I was large enough to carry [illegible].

This cause was here continued until February 8, 1906, at same place.

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Geo. H. Lindley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

G. H. Lindley

Subscribed and sworn to before me this 30th day of January, 1906.

Mytrow Hester

Notary Public.

FILED
JAN 30 1906

No. 737
Olney, Warner

Cherokee Freedman D 731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 26, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee freedman.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, James H. Davenport.

KATIE ADAMS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Katie Adams, my maiden name was ~~Katie~~ Katie Tucker.
Q What is your post office? A Choteya, Kansas, now.
Q How old are you? A I am 41 years old.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes sir.
Q Do you know Chaney Vann? A Yes sir, I know her, her father was a Buckner.
Q What was his name? A John Buckner.
Q What was her mother's name? A Amanda Buckner.
Q Is she living? A No sir, been dead many years.
Q Is John Buckner living? A Yes sir.
Q Is he a State man? A Yes sir.
Q Has Chaney Vann some children? A I don't know, she had one or two, but I have heard she lost all of her children.
Q Is she married? A She has married my brother now.
Q What is his name? A Gilbert Vann.
Q Is he living? A Yes sir.
Q Do you know whether the mother of Chaney Vann was the slave of a Cherokee? A I don't know sir.
Q How long have you known Chaney? A I have been knowing her since she was a little bit of a baby, I was quite small myself.
Q You have known her them all her life? A Yes sir.
Q Where has she lived all that time? A She lived on Grand River.
Q Has she lived in the Cherokee nation all the time? A Ever since I can remember.
Q Has she ever been out that you know anything about? A No sir.

BY MR. DAVENPORT:
Q When you first knew Chaney Vann's mother, her name was Amanda Buckner? A Yes sir.
Q How long was that after the war? A I don't know.
Q It was several years? A Yes sir.
Q Where is John Buckner living now? A I think he lives on Goose-neck.
Q You don,t know where he and Amanda were married? A No sir.
Q He was a state man? A Yes sir.
Q How old are you now? A I am 41.
Q About what size were you when you first saw John Buckner and Amanda living together as man and wife? A I guess I was 8 or 9 years old.

Q You didn't see him there until after 1870 did you? A I don't know what time it was.
Q Well if you are 41 now you were born about 1864 or '65, just before the close of the war? A Yes sir.
Q And you were 6 or 7 or 8 years old before you saw Dedmar and Amanda? A I think I must have been about that age because I was large enough to nurse babies.

This case was here continued until February 8, 1906, at nine o'clock A. M.

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Geo. M. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo M Lessley

Subscribed and sworn to before me this 30th day of January, 1906.

Myron H Cutler

Notary Public.

FILED

FEB 10 1986

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 6, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN as a Cherokee Freedman.

APPEARANCES:
For Applicant, T. L. Brown.
For Cherokee Nation, J. S. Davenport.

The hearing of this case was continued from January 26, 1906, until February 6, 1906, by agreement, at which time the following proceedings were had.

BENJAMIN WAVE, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Benjamin Wave.
Q Where do you live? A Vinita.
Q How old are you? A 46 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Chaney Vann? A Yes sir.
Q How long have you known her? A Since 1891.
Q Do you know what her name was before she married Vann, or was she married to Vann when you got acquainted with her? A We called her Chaney Buckner.
Q Where did you first get acquainted with her? A At Vinita.
Q When? A In the spring of 1891.
Q What was the circumstances? A I lived at Gooseneck right close to her father and I went down to Vinita in a cart and I brought her back to her father's from Vinita.
Q Did you have any conversation with her along the road as to where she had been living? A Yes sir.
Q Where did she say she had been living? A Fort Scott.
Q Fort Scott, Kansas? A Yes sir.
Q Well now you say you drove her out to her father's? A Yes sir.
Q Who was her father? A John Buckner.
Q He was living at or near Gooseneck? A Right at Gooseneck.
Q Did she and her father have any conversation between them?
A Yes sir, I carried her right to her father's house.
Q Did you hear any conversation between them? A Not between them, he told me he hadn't seen her since she was a girl, a small child, left her in Kansas.
Q Did you ever know her mother? A No sir.
Q She said she had been living in Fort Scott? A Come from Fort Scott to Grand River and I believe she stayed there a year with her grand mother.
Q Did you ever know her grand mother? A Chaney Rowe.

BY MR. BROWN:
Q What did you say your name was? A Benjamin Wave.
Q How long ago has this been Ben? A It was in 1891.
Q How old was Chaney at that time? A A right young girl.
Q Was she married then? A No sir.

Q Where did she say she had been living? A Said she had been at Fort Scott among Grand River.
Q Did she say how long she stayed at Fort Scott? A No sir.
Q You don't know that she was ever out of the Cherokee Nation except on a visit at Fort Scott, do you? A I didn't ask her nothing about it, whether she was out on a visit or not. She just simply told me she had come ~~[illegible]~~ from Fort Scott to her grandmother's and was trying to get out to her father's.
Q You didn't know her mother? A No sir.
Q How long had you known her grand mother before that time? A Ever since I was a little boy.
Q Who did you say her grand mother was? A We called hér Chaney Rowe, Uncle Lewis Rowe's wife.
Q Was Lewis Rowe a slave? A I couldn't tell you.

ON BEHALF OF THE COMMISSIONER:
Q How long after 1871 was it before you saw Chaney Vann again?
A She lived right there in the settlement all the while where she is living right now.
Q Have you known her ever since that time? A Yes sir.
Q Where has she lived since then? A Veen on the hill from Goose-neck Band out on the prairie.
Q In the Cherokee Nation? A Yes sir, she married Gilbert Vann after I taken her out there.

W I T N E S S E X C U S E D .

CHANEY VANN, being first duly sworn, testified as follows:

BY MR. BROWN:
Q What is your name? A Chaney Vann.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes sir.
Q How old are you? A 31.
Q Do you know where you were born? A I was born on Grand River.
Q What year were you born in? A In the year of '74.
Q 1874? A Yes sir.
Q Have you lived always in the Indian Territory? A Yes sir, never was out.
Q Did you ever live in the State of Kansas? A Never did.
Q Did you ever live in Fort Scott, Kansas? A No sir.
Q Do you know Ben Wave? A No sir.

BY MR. DAVENPORT:
Q Commonly known as Roland Wave? A No sir.

BY MR. BROWN:
Q By way of refreshing your memory do you remember an occasion of riding out from Vinita to your father,s? A Yes sir.
Q What was the man's name you went with? A Roland Wave.
Q Where had you been living prior to that time? A On Grand River at Lewis Rowe's, Jesse Rowe's father, my uncle .
Q Did you tell him on that occasion that you had been living in Fort Scott, Kansas? A No sir.
Q Do you remember telling him that you had been visiting in Fort Scott? A No sir.
Q As a matter of fact have you ever lived outside of the Indian Territory? A No sir.
Q Have you ever lived outside of the Cherokee Nation? A No sir, nó as I know of, if I have it was when I was a baby and didn't know anything about it.
Q How old were you when your mother died? A I don't know because I was a baby.

Q Do you remember what year? A Mother died in the year '78.
Q You were born in 1876 and she died in 1878? A Yes sir, so I was told.

BY MR. DAVENPORT:
Q Do you know where your mother was living at the time she died?
A She was living when she died, I couldn't tell you because I was too small.
Q Was your father and she living together or did you learn? A I suppose they were, for her said they were living together.
Q And you have never lived at Fort Scott, Kansas, at all? A Never was at Fort Scott in my life, never was there.
Q You don,t know anybody at Fort Scott? A No sir, I don't know any one at all. I don,t know anybody but just the nation people.
Q With whom did you continue to live after 1878? A I lived with my uncle unt Il I got up pretty good size girl and then I lived with grand father unt Il he died, old man Jesse Rowe.
Q With whom were you living in 1880? A I couldn,t tell you that, I was living in the Cherokee nation, when I left my uncle I went to grand father's.
Q How old were you when you left your Uncle's? A About 19, I was big enough to do work. for myself for I was about grown.
Q You must have been living with your uncle in 1880? A I suppose so.
Q What was that Uncle's name? A Lewis Rowe.
Q He was an 1880 roll colored man? A Yes sir.
Q With whom were you living in 1896? A I don,t know nothing about that, I never kept no dates ~~xxxxx~~, I don,t know anything about the dates, because I didn't keep them.
Q Your grand mother, she was a freedman citizen without any question, wasn,t she? A I suppose she was.
Q And you have been living with her all the time? A Yes sir.
Q Your father is a State man? A Yes sir.
Q He is living yet? A Yes sir.
Q Your mother you say you don't remember when she died? A No sir.
Q Nor where she was living when she died? A No sir, I don,t know anything more than what father and grand father and my uncle told me.
Q You don,t know then that your mother died at Fort Scott? A No sir, mother didn,t die at Fort Scott.
Q I thought you said you didn,t know? A I have got to believe what my grand father told me.
Q You were a grown young lady when you went out to your father's with Roland Wave? A Yes sir, I was a woman.
Q And you didn,t have any conversation with him in reference to being in Kansas? A No sir, I aint never been in Kansas.

W I T N E S S E X C U S E D .

JESSE ROWE, being first duly sworn, testified as follows:

BY MR. BROWN:
Q What is your name? A Jesse Rowe is my name.
Q How old are you? A I am 42 years old the 7th of this last November.
Q Where do you live? A Up in Delaware District.
Q Do you know Chaney Vann? A Yes sir.
Q How long have you known Chaney Vann? A Ever since she was born.
Q Where was she born? A Just about 400 yards from where I live on Grand River.

Q Have you known her all along from that time on until this? A Yes sir, knowed where she was.
Q Was she ever in the State of Kansas to live there? A Not as I know of.
Q Have you seen her at frequent intervals? A Yes sir, I have seen her all the time, my grand father raised her.
Q Is your grand father and her grand father the same person?
A Yes sir.
Q You are a cousin of hers? A Yes sir, I am a first cousin of hers.
Q Do you remember her mother? A Yes sir.
Q Who was her mother? A Amanda Rowe.
Q Were you acquainted with her mother before Chaney's birth? A Yes sir, I knowed her.
Q Do you know of your own knowledge whether Amanda Rowe was a Cherokee freedman? A She was my father's sister.
Q Is your father a Cherokee freedman? A Yes sir.
Q You know her then to be the daughter of Amanda Rowe? A Yes sir, I saw her the next day after she was born.

BY MR. DAVENPORT:
Q You don't know anything about when her mother returned to the Cherokee nation after the war, do you yesse? A No sir, I don't know when she returned, but I am told, her mother told me about it.
Q Chaney's mother's name was Amanda? A Yes sir.
Q Her father's name was John? A John Buckner.
Q He was a State man? A Yes sir.
Q Where were they married? A Somewhere up there on Big Greek, my grand father lived up there and she went from our house up there on Big Greek and she stayed up there a while, and while she was up there she married this man and come back, and she said to my father, I have come to live and die with you, I aint going to leave you any more, and he said all right.
Q And her mother didn't live in Kansas? A No sir.
Q Now when did she and Buckner marry? A Sometime along in the '70's, I don't know just what year.
Q Were they living together at the time of her mother's death?
A Yes sir, she was burried right down there on Grand River, Chaney's mother is.

BY MR. BROWN:
Q You say Chaney Vann was raised by your grand father? A Yes sir.
Q Who was her grand father also? A Yes sir.
Q And that he was a Cherokee freedmen? A Yes sir, he belonged to Dick Rowe and from Dick Rowe to Doc Foreman,s father, I have forgot his name.
Q Do you know who Amanda Rowe belonged to? A No sir, I don't.

BY MR. DAVENPORT:
Q Who was Chaney living with in 1880? A She was living with grandfather.
Q And he was a freedman citizen of the Cherokee Nation on the 1880 roll? A No sir, I don,t think he is.
Q You don't know about that? A No sir.

W I T N E S S E X C U S E D .

ARCHIE COCHRAN, being first duly sworn, testified as follows:

BY MR. BROWN:
Q What is your name? A Archie Cochran.
Q Where do you live? A About 4 miles from Fort Gibson, Tahlequah District.
Q Cherokee Nation? A Yes sir.
Q How old are you? A 60.
Q How long have you lived in Indian Territory? A All of my life.
Q Were you a slave during the war? A Yes sir.
Q To whom did you belong? A Dave Carter.
Q Was Dave Carter a Cherokee Indian by blood? A Yes sir.
Q Do you know Amanda Rowe? A Yes sir.
Q When did you know Amanda? A From her birth.
Q Do you remember when she was born? A No sir.
Q Was she a slave? A Yes sir, she belonged to the same people I belonged to.
Q Who did she belong to before the war? A To Dave Carter.
Q And he was a Cherokee by blood? A Yes sir.
Q Do you know whether or not Amanda Rowe went north during the war or after the war? A During the war.
Q When did she come back to this country? A In the time of Price's raid, when he went to Kansas and had that big raid he captured her father and mother and the Federals pushed him so close the old man got away but he carried her and the children to Texas and a young master of mine was a Captain in the army and he was out there and he finds these children.

BY MR. DAVENPORT:
Q Were you present? A No sir.

Mr. Davenport: Then I object to what they were tell about, about things he doesn't know.

On Behalf of the Commissioner: Objection noted.

BY MR. BROWN:
Q Well when did the young master bring them back to this country?
A The old man brought them back in '66.
Q Did Amanda Rowe continue to live after 1866 in the Cherokee Nation until the time of her death? A Yes sir, when they brought her back from the south, I remember it just as well as if it was today, my old master told them she was 16 years old, the girl stayed with me, I was making a crop on Grand River right at its mouth, and her father come and got her and taken her up in the Lynch settlement and I haven't seen her since.
Q That was after she came back after the war? A Yes sir.
Q How long have you known her? A She was a fellow servant with me she was a first cousin of me, my aunt's daughter.
Q You are a Cherokee freedman, are you? A Yes sir.
Q Do you know whether or not Amanda Rowe is on the roll of 1880,
A I don't know.
Q Do you know Amanda Rowe's child, whether she had any children or not? A No sir.
Q Do you know whether she ever married a man named John Buckner or not? A No sir.
Q But you do know Amanda Rowe? A Yes sir.
Q That she was a slave before the war? A Yes sir.
Q And that she was back here in 1866? A Yes sir.

BY MR. DAVENPORT:
Q Who did she belong to when the war broke out? A Dave Carter.
Q What was when the war commenced? A Yes sir, she belonged to him when the war commenced.
Q Was Amanda Rose at Dave Carter's place when the war broke out?
A Yes sir.
Q Was Dave Carter living in 1861 when the war began? A Yes sir.
Q Where? A About a mile and a half below Tahlequah.
Q Was that where Amanda Rowe was living? A Yes sir.
Q See where did Amanda Rowe and her father go when the war began?
A They went north.
Q When did they go north? A With her father.
Q You don't know to what point north they went? A Yes sir, they went up there about Wahleton, Kansas.
Q That is near Fort Scott? A Yes sir.
Q Did you go up there? A Yes sir, visited them.
Q Then the next time you saw them you say you saw them in Indian Territory? A Yes sir, it was after peace was declared in '66, when my master brought her up from the south.
Q Where did he bring them back to, to the old place near Tahlequah? A Yes sir, my ~~xxxxxxxxx~~ mistress did.
Q What was her name, your mistress? A Jennie Carter.
Q Did Dave Carter come back? A Yes sir.
Q Did you go back to the old home place? A Yes sir for a couple of weeks.
Q When was that? A In '66.
Q Dave Carter any relation to John Carter? A He was John Carter's father.
Q Do you know when they returned after the war? A It was in '66.
Q I will ask you if you don't know that John Carter testified in a case in this Court in 1896 in which he swore that his father and he returned from Texas in the spring of 1868? A No sir.
Q And that Bill Rogers didn't also go on the stand and swear that they were not here in 1867? A I made a crop the year after peace was declared right here at the mouth of Grand River and they come right there.
Q Now you are positive that you saw Dave Carter who was the father of John Carter and who you claim owned Amanda back in the Cherokee Nation living on his old home place in 1866? A Yes sir.

BY MR. BROWN:
Q Did you see Amanda Rowe here in 1866? A Yes sir.

BY MR. DAVENPORT:
Q And she was at Dave Carter's house? A No, they brought them from the south , they didn't take them on up there with them.
Q Dudn't you tell me awhile ago that you saw them at the old home place? A They left this girl and her sister right here across the river.
Q Did you see Dave Carter with this girl? A Yes sir, Dave Carter came up in '66 and brought a little boy along with him.
Q Which little boy was that? A One they called Osie.

BY MR. BROWN:
Q So far as you know he might have gone back? A He went back and brought his family.

BY MR. DAVENPORT:
Q Did you see Amanda before or after he brought his family? A No, sir, he brought Amanda when he brought his family.

BY MR. DREW:
Q Are you sure Amanda was here in 1866? A Yes sir.

BY MR. DAVENPORT:
Q What year was the Kern-Clifton roll made? A I don't know.
Q What year did Wallace make a roll? A I am no scholar, I don't know.
Q What year did the Dawes Commission commence making a roll that they are now engaged in? A I don't know, I am no scholar.
Q Wasn't the Wallace roll, the Kern-Clifton roll and the Dawes Commission roll began many years after 1866? A That is something I don't know, I am no scholar.
Q Was the Wallace roll made before 1866? A What I know I testify to, that I don't know, I don't testify.
Q Was the Wallace roll made before 1866? A No sir, it wasn't.
Q Was the Kern-Clifton roll? A No sir, it wasn't.
Q Do you know what year this is? A Yes sir, I know by people telling me.
Q Well what year is it? A It is 1906.

ON BEHALF OF THE COMMISSIONER:
Q Did Amanda Rowe have any brothers and sisters? A She had a sister, got a sister living down here in this town now.
Q What is her sister's name? A Senie.
Q Senie what? A Senie Schrimsher.
Q Commonly known as Senie Brewer? A No sir, fellow that works around this town by the name of Porter has got her daughter.
Q Did she have any sisters besides Senie? A Yes sir.
Q What was its name? A Hannah.
Q Is she living? A No sir, she got burned up.
Q Did she have any other sisters? A No sir.
Q Did she have any brothers? A Yes sir, she had three brothers, they are all dead.
Q Did they die before or after the war? A Died in time of the war.
Q What was the name of Amanda's father? A Jesse Rowe, she was a free negro before the war, he stayed right on Judge Carter's place.
Q What was the name of her mother? A They called her Dovie, her right name was Julie, but they called her Dovie all the time.
Q Did Amanda belong to David Carter when the war broke out? A Yes sir.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir.
Q The father of Amanda wasn't a citizen of the Cherokee Nation?
A No sir, he was what they called a free negro.
Q Washe living in the Cherokee Nation at the breaking out of the war? A Yes sir.
Q Do you know when he returned to the Cherokee Nation, if at all, after the war? A No sir, I don't.
Q Never heard about it? A No sir.
Q Do you know whether Amanda Carter, who you have testified about, with reference to her living in the Cherokee Nation and returning after the war, she is the mother of the applicant in this case, Chaney Vann? A That is what they say, I don't know.
Q You don't know about that? A No sir.

Q You never knew anything about [illegible] carrying after the war?
A No sir.
Q Do you know anything about how he died in the Cherokee prison after the war? A No sir, I don't.

WITNESS EXCUSED.

This case was here continued by agreement until March 6, 1906, at nine o'clock A. M.

---

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

G. H. Lessley

Subscribed and sworn to before me this 9th day of February, 1906.

Myron White,
Notary Public.

Cherokee Freedmen 3 357.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHANEY VANN, ET AL., as Cherokee Freedmen.

APPEARANCES:
For Applicants, no Appearance.
For Cherokee Nation, W. W. Hastings.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that the hearing in the Cherokee Freedman enrollment case of Chaney Vann was continued from February 6 to March 6, 1906; that on motion of the Commissioner the same was continued from March 6 to March 29, 1906, at which time the applicant fails to appear, either in person or by attorney, and the Attorney for the Cherokee appearing and announcing that he has no further testimony to introduce in the case, the same will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 10th day of July, 1906.

B. P. Raymond
Notary Public.

Cherokee Freedman D 727

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Chaney Vann as a Cherokee Freedman.

-0-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on June 17, 1901, Gilbert Vann appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Chaney Vann, as a Cherokee freedman. The others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on January 26, 1906.

The record further show that on June 30, 1906, the Commission to the Five Civilized Tribes rendered its decision herein denying said Chaney Vann the right to enrollment as a Cherokee freedman, and that said decision was duly forwarded the Department for review and decision. Thereafter, on October 17, 1908 (I.T.D. 9328-1908), the Department remanded said case to this office for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee Indian Territory, January 4, 25 and February 8, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Chaney Vann, was born since the commencement of the rebellion and is the daughter of one Amanda Buckner, nee Rowe, deceased, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of her said mother; that the said Amanda Buckner, nee Rowe, deceased, was, at the commencement of the rebellion, the slave of a Cherokee citizen, that she was taken from the Cherokee Nation during said rebellion, and, after ample opportunity having been afforded it is not by satisfactory evidence established that the said Amanda Buckner, nee Rowe, deceased, returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee,

etc., vs. Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. Neither one said applicant nor her mother through whom she claims, be identified on any roll of the Cherokee Nation in possession of this office; hence her application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.944-04), William Rester (I.T.D. 1466-04), Winnie Duncan et al. (I.T.D.1470-04), Samantha Chambers (I.T.D.2296-04), Ed Williams (I.T.D.4230-04), Moses Rose (I.T.D. 6086-04), Jane Looney et al. (I.T.D.6410,12468-04), Florence Bratcher (I.T.D.12892-04) and Frankie Grimmett (I.T.D.17903-1906)

IT IS THEREFORE ORDERED AND ADJUDGED: That for the additional reasons set out herein the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905 denying the application for the enrollment of Chaney Vann as a Cherokee freedman should be and the same is hereby affirmed.

Commissioner

Dated at Muskogee, Indian Territory,

this JUL 1.. 1906

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Carney Vann,
Lenapah, I. T.
Cherokee—F—T—737.
Population.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

MAR

Cherokee Freedmen
[illegible]

Muskogee, Indian Territory, January [illegible], [illegible].

Mamie Tate,

Okmulgee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor step-children and your minor son as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that you introduce further testimony more clearly establishing your rights to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and introduce testimony in support of your said application.

Respectfully,

Tams Bixby
Chairman.

Register.

COPY

Cherokee Freedman
No. 7[illegible].

Muskogee, Indian Territory, January 13, 1906.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Chaney Vann and her minor step-children and her minor son as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced more clearly establishing the rights of Chaney Vann to enrollment as a Cherokee Freedman.

The principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 20, 1906, and introduce testimony in support of her said application.

Respectfully,

Tams Bixby.
Chairman.

Register.

Cherokee Freedmen

[illegible],

Muskogee, Indian Territory, February 6, 1908.

T. L. Brown,

Attorney for Cheney Vann, et al.,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on January 30, 1908, in the matter of the application for the enrollment of Cheney Vann, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-84.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, May 1, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I return herewith Cherokee freedman case D-737, Chaney Vann. The decision as prepared grants her enrollment. I consider the evidence in the main very vague and unsatisfactory and also it appears that neither this woman or her deceased mother, through whom she claims, is found upon any roll of the Cherokee Nation. Under these circumstances, I think the evidence insufficient upon which to enroll this woman and I vote, therefore, against her enrollment. If the other Commissioners are of a different opinion, (they have not yet concurred in the case), then I respectfully request that the case be forwarded to the Secretary of the Interior, with my dissent, for His final determination.

Respectfully,

C. R. Breckinridge
Commissioner.

MH
Enc. H-60

[illegible]

[illegible]

[illegible] Tahlequah, Indian Territory, May 1, 1909.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith Cherokee freedman case D-737, Chaney Vann. The decision as prepared grants her enrollment. I consider the evidence in the main very vague and unsatisfactory and also it appears that neither this woman or her deceased mother, through whom she claims, is found upon any roll of the Cherokee Nation. Under these circumstances, I think the evidence insufficient upon which to enroll this woman and I vote, therefore, against her enrollment. If the other Commissioners are of a different opinion, (they have not yet concurred in the case), then I respectfully request that the case be forwarded to the Secretary of the Interior, with my dissent, for his final determination.

Respectfully,

C. R. Breckinridge

Commissioner.

MH
Enc. H-60

W. E. 1480 54737
CONNECTED TO THE INDEX
No. 22135 1905
Received MAY 2 1905

Cherokee Land Office,
Tahlequah, I.T.,
Breckinridge,
May 1, 1905.

Returns Cherokee freedmen case of Chaney Vann and reports that he dissents from decision as prepared enrolling said applicant.

Cherokee Freedmen

D-737.

Muskogee, Indian Territory, June 30, 1908.

Chance, Vann,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, T. L. Brown, Claremore, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby
Chairman.

Incl. S-69
Register

Cherokee Freedmen

Docket.

Muskogee, Indian Territory, June 30, 1908.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Chaney Vann as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-70
Register

(SIGNED) Tams Bixby,
Chairman.

Cherokee Freedmen

S-797.

Muskogee, Indian Territory, June 30, 1908.

Hon. Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Chaney Vann as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-71

Cherokee Freedmen
Cert.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Chenoy Vann as a Cherokee freedman, including the Commission's decision dated June 30, 1906, rejecting said application.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-72

Through the

Commissioner of Indian Affairs.

[ 6 6 7 7 ]

Lead
61681-1908

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 28, 1908

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1908, transmitting the record of the application for enrollment as a Cherokee Freedman by Chaney Vann.

June 30, 1908, the Commission decided adversely to the applicant.

The record shows that the applicant was born since the beginning of the war of the rebellion, is the daughter of one Amanda Buckner, born here, deceased, and possesses no rights to enrollment other than as a descendant of her mother; that Amanda Buckner was at the beginning of the war of the rebellion, the slave of a Cherokee citizen and was taken from the Cherokee Nation during said war, but, after ample opportunity, it is not established that Amanda Buckner returned to the Cherokee Nation and established a residence therein on or before February 11, 1867. Neither the applicant nor her mother can be identified on any Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

D. L. [illegible]
I.T.D. [illegible]
[illegible]

[illegible]

T.P.
[illegible]

DEPARTMENT OF THE INTERIOR

[illegible]

October 17, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 26, 1908, the Indian Office submitted the Cherokee freedman case of Thaney Vann, and recommended that the decision of the Commission to the Five Civilized Tribes of June 30, 1908, adverse to the applicant be affirmed.

In such decision it was found that "after ample opportunity having been offered it is not established by satisfactory evidence" that Amanda Buckner, formerly Rowe, the mother of the applicant, through whom she claims, returned to the Cherokee Nation and established a residence there within the time required by the treaty of 1866.

No testimony was introduced by the Nation.

While the testimony is to some extent favorable to the applicant, the Department does not consider it sufficient to warrant her enrollment.

In order that she and the nation may have further opportunity to be heard, the testimony, with papers attached, is returned and a rehearing is hereby ordered.

A copy of the Indian Office letter is inclosed.

Respectfully,

(signed) E. A. Hitchcock

Assistant Secretary

Through the
Commissioner of Indian Affairs.

2 inclosures. ( Land 51831-1905)

Cherokee Freedmen

S-94.

Muskogee, Indian Territory, November 4, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In connection with the Cherokee freedman enrollment case of Chaney Vann you are advised that this office is in receipt of Departmental letter of October 17, 1908, returning the record in said application and ordering a rehearing therein. Further testimony is desired as to the right of Amanda Buckner, formerly Rose, mother of Chaney Vann, to Cherokee freedmen citizenship.

Said applicant has, therefore, this day been notified that she will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 16, 1908, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-94

Commissioner.

Cherokee Freedman

S-89.

Muskogee, Indian Territory, November 4, 1905.

Chaney Vann,

Tenapah, Indian Territory.

Dear Madam:

In connection with your application for enrollment as a Cherokee freedman you are advised that this office is in receipt of Departmental letter of October 17, 1905, returning the record had in said application and ordering a rehearing therein. Further testimony is desired as to the right of your mother, Amanda Buckner, formerly Howe, to Cherokee freedman citizenship.

You are, therefore, hereby notified that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, November 16, 1905, and introduce testimony as indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in your case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-89
Register

Commissioner.

Cherokee Freedmen

D-951.

Muskogee, Indian Territory, November 17, 1906.

Chaney Vann,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the hearing in your Cherokee Freedmen enrollment case has been continued from November 16, to December 7, 1906, at nine o'clock A. M., at which time you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, and introduce such testimony as you may desire in your case. The Cherokee Nation will also be permitted to introduce such testimony as it desires in this case.

Your attorney, Preston C. West, Muskogee, Indian Territory, has been verbally advised of this action.

Respectfully,

LS
Register

Commissioner.

Decision
F.L. 737

Muskogee, Indian Territory, January 11, 1906.

L. C. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, on January 4, 1906, in the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman.

Respectfully,

Incl. GL-24.
GHL

Commissioner.

Cherokee
7 b 7st.

Muskogee, Indian Territory, January 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony had in the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman, taken at Muskogee, Indian Territory, on January 25, 1906.

Respectfully,

Incl. GL-92.
GHL

Acting Commissioner.

Cherokee Order.
F D 787

Muskogee, Indian Territory, February 10, 1906.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 6, 1906, in the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman.

Respectfully,

Enclosed:

Wm O Beall

Acting Commissioner.

Incl. GL-22.
GHL

Cherokee
F S Vol

COPY.

Muskogee, Indian Territory, February 10, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 6, 1904, in the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman.

Respectfully,

Tams Bixby

Acting Commissioner.

Delivered in person to H.V.

Incl. GL-23.
GHL

Cherokee
F S 787

Muskogee, Indian Territory, February 27, 1906.

Chaney Vann,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of yourself has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee
P S 937

Muskogee, Indian Territory, February 27, 1906.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of Chaney Vann has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee
F 1 [illegible]

Muskogee, Indian Territory, February 2[illegible], 1906.

Bell, Hastings & Davenport,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of Chaney Vann has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee Freedman
S 797.

Muskogee, Indian Territory, July 12, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of supplemental proceedings of March 9, 1906, in the matter of the application for the enrollment as a Cherokee freedman of Chaney Vann.

Respectfully,

Encl. W.A.12-6.

Commissioner.

Cherokee Freedmen
D 997

COPY

Muskogee, Indian Territory, July 11, 1906.

T. L. Brown,

Attorney for Cheney Venn,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, denying the application of Cheney Venn, for enrollment as a Cherokee Freedman. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Tams Tixby.
Commissioner.

Encl. K.J.-57.
H.J.C.

Muskogee, Indian Territory, July 13, 1906.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of supplemental proceedings of March 9, 1906, in thematter of the application for the enrollment as a Cherokee freedman of Chaney Vann.

Respectfully,

Encl. M.A.13-1.

Commissioner.

COPY

Muskogee, Indian Territory, July 13, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for enrollment of Chaney Vann, as a Cherokee Freedman, together with the decision of the Commissioner to the Five Civilized Tribes, dated July 11, 1906, affirming the decision of the Commission to the Five Civilized Tribes, rendered June 30, 1905 denying said application.

On October 17, 1905 (I.T.D. 9328-1905), this case was remanded to this office for rehearing and readjudication.

Respectfully,

SIGNED.
Tams Bixby.
Commissioner.

Encl. H.J.-#9.
H.J.C.

Through the

Commissioner of Indian Affairs.

Cherokee Freedman
D 227

Muskogee, Indian Territory, July 13, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, denying the application for enrollment as a Cherokee Freedman of Chaney Vann.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-58.
H.J.S.

SIGNED.
James Bixby.
Commissioner.

Cherokee Freedmen
R 939

Muskogee, Indian Territory, July 24, 1906.

Cheney Vann,

Claremore, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated July 13, 1906, affirming the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, denying your application for enrollment as a Cherokee Freedman. Your attorney T. L. Brown, Claremore, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in your case and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Encl. H.J.-56.
H.J.C.

Register

(Copy)

Land
0018-1906

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

December 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the Department letter of October 17, 1906 (I.T.D. 9326), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 13, 1906, transmitting the record relative the the application of Chaney Vann for enrollment as a Cherokee Freedman.

On June 17, 1901, Gilbert Vann, applied to the Commission to the Five Civilized Tribes at Nowata, I.T., for the enrollment of his wife, Chaney Vann, as a Cherokee freedman. Further proceedings were had at Muskogee, I.T., on January 30, 1905.

On July 13, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

On June 30, 1905, the Commission rendered a decision denying the applicant the right to be enrolled as a Cherokee freedman and on October 17, 1906 (I.T.D.9326) the Department re-manded the case to the Commissioner for further hearing and readjudication. Further proceedings were had at Muskogee, I.T. on January 4, 25, and February 8, 1906.

The evidence shows that the applicant was born since the commencement of the rebellion and is the daughter of Amanda

Buckner, nee Rowe, deceased, and derives whatever right she may possess to be enrolled as a Cherokee freedman through her mother.

The testimony further shows that Amanda Buckner, nee Rowe, was at the commencement of the rebellion the slave of a Cherokee citizen and resided in that nation and that she was taken away from the Cherokee Nation during the rebellion.

Of the eight witnesses who have testified at various times in this case only three have attempted to fix the date on which Amanda Buckner, nee Rowe, returned to the Cherokee Nation. The names of these witnesses are Kate Taylor, Archie Cochran and Gilbert Vann.

Kate Taylor testified on January 30, 1905, that she saw Amanda Buckner, neeRowe, at Bob Daniel's place on the Grand River in the Cherokee Nation in the fall of 1866 and that she made her home in that nation from that date until the date of her death. The witnesses confirmed this testimony in her subsequent examination on January 4, 1906.

Archie Cochran testified on February 8, 1906, that he saw Amanda Buckner, nee Rowe, on the Grand River in the Cherokee Nation in 1866.

Gilbert Vann, also testified to the same effect but as he afterwards admitted that his testimony was based merely on hearsay, it is given no weight.

No evidence to the contrary having been produced, it is clearly shown that Amanda Buckner, nee Rowe, returned to and was living in the Cherokee Nation in 1866. The testimony also shows that she subsequently made her home in that nation.

In view of Section 1 of the Act of April 26, 1906 (34 Stat. L., 137), the Office is of the opinion that the applicant is entitled to be enrolled as a Cherokee freedman as she is the daughter of a Cherokee freedman who returned to that nation prior to February 11, 1867.

It is therefore recommended that Commissioner Bixby be instructed to enroll the applicant as a Cherokee freedman.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

WRD

C

.

(COPY)

T.P.

DEPARTMENT OF THE INTERIOR

[illegible] WASHINGTON, [illegible]

[illegible]

[illegible]

January 9, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 24, 1906 (Land 40x10-06), the Indian Office resubmitted the Cherokee enrollment case of Shaney Vann, received with your letter of July 13, 1906.

October 17, 1905, the Department directed a rehearing in this case, stating that the testimony then before it was not sufficient to warrant the applicant's enrolment. The Commission to the Five Civilized Tribes had found adversely to the applicant in its decision of June 30, 1905.

After considering further testimony submitted on the part of the Claimant, you rendered a decision adverse to her July 13, 1906. She appears to have been duly advised thereof and no motion for review or rehearing has been presented. See section 1 of the act of April 26, 1906 (34 Stat., 137)

The Indian Office expresses the opinion that the claimant is entitled to enrolment.

In this the Department does not concur. The testimony submitted is unreliable and vague, and even contradictory. It concurs with you that after ample opportunity having been

afforded it is not by satisfactory evidence established that Amanda Buehner, formerly Rose, the mother of the Claimant, and through whom she claims, returned to the Cherokee Nation and established a residence therein as contemplated by the treaty of 1846 and section 3 of the act of April 26, 1906 (34 Stat., 137). Your decision is accordingly affirmed.

A copy of the Indian letter is inclosed. The papers in the matter have been sent to the Indian Office for its files.

The claimant should be promptly advised hereof.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. of.

Cherokee
Freedman
D-787

Muskogee, Indian Territory, January 17, 1907.

Chaney Venn,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 18, 1906, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior January 9, 1907.

MM

Respectfully,

Commissioner.

Cherokee
Freedman S-737

Muskogee, Indian Territory, January 17, 1907.

T. L. Brown,

Attorney for Chaney Vann,

Claremore, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, rejecting the application for the enrollment of Chaney Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior January 7, 1907.

For your information, there is enclosed herewith copy of Departmental decision referred to.

MH
Enc. M 7.

Respectfully,

Commissioner.

Cherokee
Freedman D-797

Muskogee, Indian Territory, January 17, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, rejecting the application for the enrollment of Chaney Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior January 7, 1907.

For your information, there is enclosed herewith copy of Departmental decision referred to.

MH
Enc. M.S.

Respectfully,

Commissioner.

Cherokee Freedmen
S 737

# Department of the Interior,

Commission to the Five Civilized Tribes.

To Arch Carter

Fort Gibson, Indian Territory.

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee on the ~~[illegible]~~, Indian Territory, on the 25 day of January 1906, to testify before said Commission in the matter of the application for the enrollment of Chaney Vann as a Cherokee Freedman.

Dated at Muskogee, Ind. Ter. this 5th day of January, 1906.

W. O. Beall
Acting Commissioner.

F.S. 757

Tohoneytown

No.

# SUBPOENA.

CONFEDERATE TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

To the Commissioner to the Five Civilized Tribes

You are requested to enter [illegible] of [illegible] Indian Territory, as my sole attorney representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

[illegible]
Applicant.

Dated at [illegible] Indian Territory,
this 7th day of December 1905

Muskogee Indian Territory, June 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Cherokee Freedman D. 707

Enrollment of Henry Vann et al

T. H. Brown

ATTORNEY FOR APPLICANT.

# Department of the Interior,

Commission to the Five Civilized Tribes.

To Katie Taylor, Lenapah, Indian Territory.

You are hereby commanded to appear before the Commissioner to the Five Civilized Tribes at Muskogee, in the Nation, Indian Territory, on the 4th day of January 1906, to testify before said Commissioner in the matter of the application for the enrollment of Chaney Vann as a Cherokee freedman, Freedmen D-737.

Dated at Muskogee, Ind. Ter. this 21 day of December 1905.

Commissioner.

35 737 Choctaw Nation

No.

# SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

Cherokee Freedman
D 787

# Department of the Interior,

Commission to the Five Civilized Tribes.

To Arch Carter

Fort Gibson, Indian Territory.

*You are hereby summoned to appear before the Commission to the Five Civilized Tribes at* Muskogee *in the* [redacted] *Indian Territory, on the* 25 *day of* January *190* 6 *, to testify before said Commission in the matter of the* application for the enrollment of Chaney Vann as a Cherokee Freedman.

*Dated at* Muskogee, Ind. Ter. *this* 5th *day of* January *190* 6.

Tams Bixby *Commissioner.*

I, _____ do solemnly swear that I am _____ years of age, and that on the _____ day of _____ 190_ in the Nation, Indian Territory, I served the within Subpoena on the within named _____

_____

By then and there delivering a true copy of the same to said _____

Subscribed and sworn to before me this _____ day of _____ 190_

No. _____

**SUBPOENA.**

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the*

_____

_____

_____

Department of the Interior.
Commissioner to the Five Civilized Tribes
Muskogee, Ind. Ter.

10575

98
38

RETURNED TO SENDER

Chaney Vann,

Lonapah, Indian Territory.

Gets no mail at this office.

Gets no mail at this office.

REGISTERED
MAY 20 1905
MUSKOGEE, IND. TER.

Department of the Interior

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

Chisley, [illegible]

4328

As citizen of the Cherokee Nation

Muskogee, I. T., 30/ 190[illegible]

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

51831 19

835 20

Cher Fr R 987

Trans. from Cher Fr D 740

Cher Fr R 987

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., June 27, 1902.

In the matter of the application of Nannie Rose for the enrollment of herself as a Cherokee freedman, being sworn and examined in behalf of the applicant, the testimony is as follows:

What is your name? A Nannie Rose.
Q How old are you? Mr. Rose? A 28.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Rose Cottage District.
Q You want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll and identify yourself? A Myself.
Q Is your name on the roll of 1880? A No sir.
Q What is your father's name? A Sam Rose.
Q Is he living? A No sir.
Q Your mother's name? A Nellie Whitmire.
Q Is she living? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Has she applied to be enrolled here? A At Chelsea.
Q Have you always lived in Cherokee nation all your life? A No sir
Q Where are your parents living? A Parsons.
Q You know live in Parsons now? A No sir.
Q How long did you live in Parsons? A About 15 years.
Q Are you married? A No sir.
Q Never been married? A No sir.
Q Is your name on any of the rolls of the Cherokee nation? A No sir, none as I know of.
Q Never drawed any money? A No sir.
Q What proof have you got that you are a son of Mary Whitmire? A Henry Pack.

HENRY PACK, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Henry Pack.
Q What is your age? A 28.
Q Whatis your post-office? A Tahlequah.
Q You know the applicant here, Nannie Pack? A I know him when I see him. ~~[illegible]~~ Q You know who his mother was? A No, I don't know his mother, only met her the other day first time at Chelsea.
Q Who was it you met at Chelsea? A Mrs. Wright, Dennis Wright child Dennis Whitmire.
Q Did she claim this man to be her son? A Yes sir, she said it was her son.

BY HASTINGS, CROSS REP'VE: APPLICANT RE-CALLED:

Q Living up at Parsons now? A No sir.
Q When did you come away from there? A About six years ago.
Q Before that you lived there about 15 years? A Yes sir.
Q Never were married? A No sir.
Q Your mother live up there with you? A She died about six years ago.
Q Up until that time? A No, been dead six years ago, yes sir.

By COM'R NEEDLES:

Q You claim your citizenship through your mother? A Yes sir, and my father too.
Q Is your father living? A No sir, he is dead.
Q How long has he been dead? A About nine years.
Q You didn't draw any Strip money? A No sir.
Q Did you apply? A Yes sir.

BY MR. HASTINGS:

Nannie Bean et al

Q When you were first old enough to remember [illegible] were [illegible] A [illegible] there.
[illegible]
Q [illegible] your mother applied for you for the Dawes [illegible] A Yes sir, but couldn't get it.
[illegible]
Q About how long old were [illegible] A I was about 10 or 12 years old.
[illegible]
Q You never were married? A Yes sir.
What is her name? A Julia.
[illegible] A [illegible] Ward.
Q [illegible] Ward have any children? A [illegible]
[illegible]
Q What was your father's name? A [illegible]
Q When did he die? A [illegible] in [illegible], [illegible] or [illegible].
Q Where did he die? A [illegible].
Q He was living up there [illegible] when you were born? A Yes sir.
Q [illegible] down here [illegible] the [illegible] of this [illegible] Cherokee? A Yes sir.
Q And you too? A Yes sir, I was born here.
Q How [illegible] been here [illegible] 1896? A I had been here ever since the [illegible] enrollment.
Q [illegible] A Yes sir.
Q [illegible] A Yes sir.
Q And during the [illegible] years which you remained up at home [illegible] you lived [illegible] your father [illegible] A Yes sir
Q [illegible] lived there at that time? A Yes sir.
Q Where was Julia born? A I don't know where she was born.
Q Weren't you up there with your? A No sir, they lived some place in Missouri
Q All these Ward children were born in Missouri? A No sir, one of them born here.
Q The youngest? A Yes sir, Charley.
Q The rest of them were born in Missouri? A Yes sir, in Missouri and Kansas I think, I disremember where they were all born.

Com'r Meacles: Nannie Bean applies for the enrollment of himself; he cannot be identified upon any of the rolls of the Cherokee nation; he avers that he is a child of Sallie Whitmire; he has never been married, and that he has been a resident of the Cherokee nation for the last six years; for further particulars as to his residence, see testimony; he claims his citizenship through his mother, Sallie Whitmire; she is listed for enrollment on D card 454, and the testimony taken in the application of Sallie Whitmire will be made a part of the record in the case at bar, and a copy of said testimony will be filed with the testimony now taken for the applicant; he will now be listed as a Cherokee Freedman on a doubtful card, and he will be notified by mail of the decision of the Commission when arrived at.

---

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 24, 1902.

Commissioner.

[illegible] of enrollment

# CHEROKEE FREEDMEN

Date [illegible]
Post Office [illegible]
Dawes [illegible]

1. Name Minnie Bean — Age 26
Owner's name — Citizenship
Year — Page — No. — District
Parents
Father Ben Bean — dead — Citizenship
Mother Sallie Whitmire — living — Citizenship
2. Name of wife — Age
Owner's name — Citizenship
Year — Page — No. — District
Parents:
Father — Citizenship
Mother — Citizenship

Doubtful

Names of Children:

3. — Year — Page — No. — Dist.
4. — Year — Page — No. — Dist.
5. — Year — Page — No. — Dist.
6. — Year — Page — No. — Dist.
7. — Year — Page — No. — Dist.
8. — Year — Page — No. — Dist.
9. — Year — Page — No. — Dist.
10. — Year — Page — No. — Dist.
11. — Year — Page — No. — Dist.
12. — Year — Page — No. — Dist.

Application made by No. 1 — Stenographer M. D. Green

XRef D 454

To be filed in case of Sallie Bean (Mrs.).

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 11, 1901.

In the matter of the application of Sallie Walkaire for the enrollment of herself and five grandchildren as Cherokee Freedmen, who being sworn and examined by Commissioner T. B. Needles, testified as follows: Mellette & Smith, attorneys for applicant.

Q What is your name? A Sallie Walkaire.
Q How old are you, Sallie? A 52 years, as near as I can guess.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A I don't know sir.
Q Is your name on the roll of 1880? A I don't think it is.
Q Is your name among the rolls of the Cherokee Nation? A I think it is on the Wallace or Verne Clifton roll.
Q Who do you want to enroll besides yourself? A One man, Manuel Bean.
Q How old is he? A 23.
(He will have to apply for himself.)
Q Have you any children of your own under age? A No sir, I have some grandchildren.
Q Do you want to enroll them? A Yes sir.
Q What are the names of your grandchildren? A Helen Ward.
Q How old is Helen Ward? A Ten.
Q Give me the name of the next one? A Sarah Ward.
Q How old is Sarah? A 9.
Q Thenext one? A I only got two with me.
Q Well, you just want to enroll two of them? A No, I want to enroll them all.
Q What are their names? A John Ward.
Q How old is John? A Five.
Q Well the next child? A Jodie.
Q How old is Jodie? A Three.
Q Is that all? A Charlie Ward.
Q How old is he? A Two years old.
Q Whatis the mother's name of the se children? A Julia Ward.
Q Is she living? A No sir.
Q Was she your child? A Yes sir.
Q What is their father's name? A Howard Ward.
Q Is he living? A Yes sir, I haven't s n him for two weeks.
Q These children in yourpossession, are they? A Two of them.
Q The first two? A The first two.
Q Where are the othe r two? A With Miss Thornton or Miss Miller on Lightning.
Q Are they all living at this time? A Yes sir.
Q Whatis your father's name? A Jackson Davis.
Q What is your mother's name? A Julia.
By Mr. Smith: Is the Jackson Davis who just applied here for enroll ment your father? A That is the one who was claimed to be my father.
Q Have you any brothers or sisters? A Yes sir.
Q What are their names? A John and then William.
Q What are your sisters' names? A Elizabeth and Elnora.
Q Are theymarried? A Yes sir.
Q Give their full names? A Lizzie Grimes and Elnora Bell.
Q About how old do you think you are? A 52, as near as I can guess, I was eleven years old when the war broke out, and I am guessing at it as near as I can.
Q Were you taken out of the Cherokee Nation during the war? A No sir, I made a mistake; yes sir, I was taken out as far as Neosho, Missouri.

[illegible]

Q [illegible] A I went out with the soldiers, as one to [illegible] [illegible]

Q When was you return to the Cherokee Nation? A I was here during the spring of '65. I came right back; I didn't stay more than a month, we went to Missouri about a month, and we came back to Fort Gibson and I remained there.

Q That was in the spring of '65? A I don't remember what time it was. When the war broke out I think it was in the fall.

Q I am talking about when you came back? A The same year I went away as I came back.

Q How long was the war going on when you went away? A There hadn't been more than two fights at Bates Mills and Cane Hill, and we came right back.

Q Where do you live now? A Marmon.

Q How long have you lived there? A I have been married nearly five years to Bennie Whitmire. We live about 2 miles and a half of Mr. Marmon.

Q How long do you think you were out of the nation during the war as told? A About two months, I think we were out. After they had those two fights we went right back to Gibson.

Q Who brought you back? A I came back with the soldiers.

Q Who was your mother? A Julia French, wife of Jack Davis.

Q Was he a slave? A Yes sir.

Q Who did she belong to? A She belonged to Bob French.

Q Who did you belong to? A Bob French.

Q Was he a Cherokee? A He was a white man of Cherokee family.

Q Was his wife a Cherokee? A Yes sir, she lives right down to Tahequah, Margaret French.

Q What was her name before she was married? A I don't know sir.

Q Where have you been living now up since the war? A Sometimes I have been living on Grand river and sometimes in the Territory; I have mostly been living in the territory.

Q In what nation? A Cherokee. When I was working out some time, I was at Muskogee. I went there two months once.

Q Are you the oldest one of the brothers and sisters? A Yes sir.

Q You are not a full sister of John? A Yes sir.

Q Are you all full brothers and sisters? A Yes, so far as I know, I never heard any difference.

Q You are all full brothers and sisters? A Yes sir; there is John and all of them out there. We are all full sisters and brothers.

Commissioner Needles: You say you were born a slave? A Yes sir.

L.B.Bell: You didn't come back with your father whenhe come? A I was with the soldiers; father was a soldier you know.

Q Well, but was you with him on Horse Creek when they camped there coming down to the nation? A Yes sir, I guess I were.

Q There wasn't no soldiers with him? A There was no soldiers there, but I come back from Neosho with soldiers.

Q But I said when your father moved from Kansas back to the Cherokee Nation, was you with him? A Yes sir.

Q How old was you at that time? do you reckon? A Well, I don't know, not knowing the dates and the month; I don't know exactly how old I was.

Q You were about grown, were you? A No sir, I was only eleven when the war broke out, I couldn't have been grown then.

Q That was six years after that, you could have been seventeen years old? A Yes.

Q You just stayed with the army all the time? A Yes, I stayed with the army most of the time. I worked at Headquarters around; I had to work.

Q You say you came back in about three months from Neosho? A I guess it was about that time.

Q How long did you stay in Gibson when you returned from Neosho with the soldiers? A After the war.

1 2 3

Q [illegible] A No sir.
Q Where did you first get with your father after the war? A In here. I came to him at Grand river.
He was living above the mouth of Mock Creek? A Yes sir.
Q On this side of the river? A No, he didn't moved on this side then, he was on the other side renting, and when he took a claim he took it on this side.
Commissioner Needles:

The 1880 authenticated roll, the 1896 census roll, the Kern-Clifton roll, and the Wallace roll examined and the name of the applicant is not found thereon.

Q How long have you been married to Whitmire? A Five years this coming June.
Q What was your name before you married this time? A Sallie Bean. That was my first husband.
Q What was his name? A Benjamin Bean. I am enrolled on some of them as Sallie Bean. (Cannot be identified under that name.)
Q You never lived in Delaware District, did you? A No sir, only stopped at vinita sometime; I have been staying there at Vinita.
L.P. Bell: Did your father have any children by his last wife?
A No sir.
Commissioner: Did you draw your strip money? A No sir.
Q Did you draw any money? A No sir.
Q Is your name on the Wallace Roll? A Yes sir.
It is on the Wallace roll, but I didn't draw any moneyon it.
Q You never drew any money? A No sir.
Q Did these children ever draw any? A No sir.
Q Did julia Ward ever draw any? A No sir.
Q Julia Ward was the mother of thesefive children?A Yes sir, she is dead.
Q Their names are not on any roll? A No sir.
Q Who has the other children? A A Miss Miller.
Q Is she a colored woman? A Yes sir.
Q Has she been enrolled?A I don't think she has.
Q Are these children's father a citizen?A No sir.
Q Non citizen? A Yes sir.
Q What relation is this Miller woman to you? A None at all. I couldn't keep them all.
Q Who has the last child? A Miss Fitzpatrick.
Q Is she a Freedman? A No sir.
Q Is she a white woman? A No sir.

Sallie Whitmire applies for the enrollment of herself and five grandchildren, to-wit- Helen Ward, Sarah Ward, John, Jodie and Charlie Ward. She avers that said children are the childrenof her daughter, Julia Ward, now deceased. The father of the said children is named Howard Ward. She avers that she is now married to one Dennis Whitmire; that she is the child of Jackson Davis, who has this day applied for enrollment. The said applicant and the said children are not identified upon any of the rolls of the Cherokee Nation. She avers that she is the custodian of the two older children, Helen and Sarah, and that one Mrs. Miller is the custodian of John and Jodie, and the younger child, Charlie, is in the custody of one Miss Fitzpatrick. Satisfactory proof is made as to the residence of Sallie Whitmire, and in this connection reference is made to the testimony taken in the application of her father, Jackson Davis, who has this day been enrolled as a Cherokee Freedman, on D Card No. 453, and the testimony insaid case will be made a part of the record, and a copy of the same will be filed in the case now under consideration. It will be necessary for the applicant to make satisfactory

S E W

proof as to the births of the said five children, their names not appearing upon any roll now in the possession of the Commission. Consequently, Sallie Whipire and the five children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting further consideration of the Commission, by reason of the fact that their names do not appear upon any of the rolls of the Cherokee Nation and because the representatives contest their enrollment.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed)R.S.Rutherford.

Subscribed and sworn to before me this 3rd day of June, 1901.

(signed)T.B.Needles,

Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commissin to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D.Green

Subscribed and sworn to before me this August 24th, 1901.

Commissioner.

File with Cherokee Freedman D[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1901.

In the matter of the application of Jackson Davis for the Enrollment of himself and his wife, Caroline Davis, as Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows.

Mellette & Smith, Attorneys for Applicant.

Q What is your name? A Jackson Davis.
Q How old are you? A 58.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My wife and four or five children.
Q Have you got any children under 21 years of age? A Yes sir.
Q Unmarried? A No sir, none unmarried.
(Children will apply for themselves.)
Q What is your wife's name? A Caroline.
Q How old is she? A About 55, I believe it is.
Q Have you and your wife ever been recognized as Cherokee Freedmen?
A Well, I have been one portion.
Q Are your names on the roll of 1880? A I don't know whether it is or not.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be there; I dont know sir.
By Mr. Smith: Well, Jack, are you on the Kerns Clifton Roll? A I suppose I am.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 103, No. 2587, Jack Davis, Cooweescoowee district.
Page 103, No. 2588, Carrie Davis, Cooweescoowee District.

The Wallace Roll examined and the names of the applicants are found thereon as follows:

Page 110, No. 2331, Jackson David, Delaware District.
Page 111, No. 2348, Carrie Davis, Delaware District.

By Mr. Smith: What are the names of your children, Jack? A One is named Sallie, and William, John and Ellen and Lizzie: I only got five.
Q Are the girls married? A Yes sir, they are all married.
Q Give the names now of each one of the girls? A The oldest one is named Sallie.
Q Sallie what? A Sallie Whitmire.
Q What is the next girl's name now? A Lizzie Grimes; she is a widow.
Q The next girl? A Ellen Bell.
Q What are these papers you handed me, can you read? A No, sir, I can't read or write.

Attorney for Applicant desires to offer permits issued by the Cherokee Nation to the applicant for laborers.

Com'r: He presents four permits issued by the Cherokee Nation, which will be filed.

By Mr. Smith: Were you a slave during the war? A I was a slave.
Q Whom did you belong to? A A man by the name of Dr. William Davis.
Q Now was he a Cherokee Indian? A No sir, he was a white man of a Cherokee family

Q Who was his wife? A Polly Payne, I think.
Q Do you remember? A I remember, but she has been dead so long.
Q Where were you living at the time the war broke out? A Flint District.
Q With the family you speak of? A Yes sir, I was raised with them
Q Did you go out of the nation during the war? A Yes sir.
Q Where did you go? A I went to Kansas, I was with the old army
Q When did you come back to the Cherokee Nation after the war?
A I come back in '66.
Q How many children did you have then? A Had all the children that I have got now.
Q Did you bring them back with you? A Not when I first come, I didn't bring them right in; I brought them afterwards. I first come myself and looked for a location and went back and got them.
Q Where did this man, Mr. Davis, you speak of, live? A He lived in Flint District.
Q Near what place? A Near Evansville.
Q Can you state what time of the year 1866 you came down? A Not exactly sir, it has been so long; I can't just exactly make a good statement of that.
Q Who did you come with? A I come with a man by the name of Mr. Webber and others.
Q What was Webber's first name? A Sam.
Q About how old do you think you are now? A I am just 74 years old last Christmas past. Christmas day was my birthday.
Q When did you and Grandind, your wife, marry? A We was together before the war, but we separated at the time of the war, and in slave time we lived together, and got together again; we were married before the war.
Q Is there anyone here who knows when Caroline came back to the Nation, do you know? A Yes sir, she was here with her mother and grandmother, here at Fort Gibson she claims; I wasn't living with her at that time.
Q Who did Caroline belong to? A A family by the name of George Whitmire.
Q Was he an Indian? A Yes sir.
Q Where did he live? A He lived down in Goingsnake District.
Q Near what place? A I couldn't tell you what place it is; what the name is; on the Baron Fork I believe it is.
Q Is your recollection as good as it used to be? A No sir, not near as good as it used to be; I don't remember; I can't keep things in my head.
Q You don't remember how old you are? A No sir, I don't remember, but we come pretty close to fixing it.
L. B. Bell; Where did you start from in Kansas, Jack, when you started back to the Cherokee Nation? A I started from about fifteen miles above Fort Scott.
Q Who come with you? A Samuel Webber.
Q Well, where did you come to? A We come all down to Horse Creek, and all through the territory above here.
Q Where did you finally locate? A I stopped a while out towards Big Creek and located there a while and then it didn't suit me there, I left there after so long a time, I don't know how long I stayed there; there wasn't anything to eat and I hammered around in Big Creek a while.
Q Was it three or four weeks? A Yes, I reckon it was about that time.
Q And then where did you go? A I knocked about and I had to work for something to eat; I was scarce of money, and worked around wherever I could get labor to do on one place and another.
Q When you left Big Creek where did you go? A After so long a time I was on Rock Creek and I moved to Grand river.
Q You went to the mouth of Rock Creek then? A Yes sir. I,dont

know how long. I was Right up there, and Satan I couldn't [illegible] them to live.

Q Which side of Grand river did you settle? A On the south side when I first settled there. I just rented around among them.

Q You said you went to big creek from the south of Rock Creek?

A You know I lived on the other side.

Q Where did you live at on the other side, we call it the east side or the side that Rock's Prairie is on? A Yes, sir, on the east side.

Q Where did you live there the first year after you left Big Creek? A I lived with a man by the name of Wolf on his place, in a little house in the woods there.

Q Well then after you left that the next year where did you live?

A I stayed there one or three years with him, there I think.

Q Well after you left Wolf's place where did you go? A Across the river.

Q On the place you are living now? A Yes, sir, on the place I am livi g now.

Q Been living there ever since? A Yes, sir.

Q Never moved off and staying five or six years? A No sir.

Q Never rented land? A No sir, never rented a day.

Q Didn't count any [illegible] you for tobacco? A No sir, didn't count them.

Q You are pretty certain you worked three years on the Wolf farm?

A I reckon about three years. I think at the start three years I stayed over there. I didn't [illegible] I was just renting around from those families from one [illegible].

SAM WEBBER, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:

Q State your name? A Sam Webber.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q Are you on the ~~roll~~ 1880 roll? A Yes sir.

Q Do you know Jackson Davis, who is the applicant in this case?

A Yes sir.

Q How long have you known him? A I have seen him before the war, but just to know him; I never knowed him right good until the time of the war I got acquainted with him good.

Q Where did you see him before the war? A I seen him down here in the nation; he come to Big Creek.

Q You had some acquaintance with him before the war commenced?

A Yes sir, of course I was a little acquainted with him.

Q When did you first see him after the war? A In the time of the war you mean, don't you?

Q I mean when did you first see him after the war in the Cherokee Nation? A I seen him in '65; in the fall of '65.

Q Where about? A He come with us there to Horse Creek; my first trip to this country.

Q Was he married at that time in '65? A No sir, he wasn't married right then; he was a single man; he had his children you know.

Q Did you know his wife, Caroline? A I got acquainted with her too about that time or a little before.

Q Had you known her before the war or not? A I don't remember as I do before the war.

Q Do you know who Jack belonged to? A No sir, I don't really know who owned him.

Q Was he a slave before the war? A I suppose he was.

Q Do you know whether Caroline, his wife, was a slave or not?

A I suppose she was; I don't know.

Q I don't know whether you know or not. Do you know who she belonged to? A No sir, I don't know.

Q Well, how long did you stay and how long did Jack Davis stay on

Horse Creek in 1866? We stayed all night together there and I left him there. I went on to Gibson and I left him on Horse Creek, left him there with my family, old man Sam Webber.

Q Your father's name was Sam Webber also? A Yes sir.

Q When did you next see Jack Davis after you left him on Horse Creek in '66? A I seen him on Big Creek.

Q How long afterwards? A The next fall.

Q In the fall of '66? A Yes sir.

Q Who' family did Jack have at that time? A Just his children.

Q Can you think now how many children there were? A I don't know it. I can state all of them. I can state some of them.

Q State all you can? A I can name one Sallie. Thought was her owner. John and Will

Q What were the names of Jack Davis' children at that time? A Sallie

Q The next one? A John and Will.

Q Do you remember any others? A There was another girl I seen, but I can't call her name, she was small.

Q About what time in 1866 was that when you saw Jack and these children? A Along late in the fall of '66 when they came where we were over there.

Q Where were they at that time? A On Big Creek in the Cherokee Nation

Q Have you known Jack Davis ever since that time? A Yes sir.

Q Where has he been living? A He went to Grand River from there the time I saw him; he was on Grand River after that.

Q Is that in the Cherokee Nation? A Yes sir.

Q Do you know John Davis? A Yes sir.

Q Where does John Davis live? A He lives on Lightning Creek now.

Q How long has he been living there? A I don't know, I can't tell you now; he has been there a good while.

Q Give your recollection or judgment as to the number of years?

A It is pretty hard for me to do; I never noticed him particularly; he had been there a good long while on Lightning.

Q Do you know William Davis? A Yes sir.

Q Is he living or dead? A He is living on Lightning.

Q Do you know Sallie? A Yes sir, she lives on Lightning.

Q Is she married? A Yes, she is married now.

Q What is her name now? A Sallie Whitmire, Dennis Whitmire's wife

Q And what was the other one's name you mentioned a while ago?

A I couldn't tell you.

L. B. Bell: You say you left Jackson Davis late in the fall of '66 at Horse Creek to go to Gibson? A In '65.

Q Who was with him? A My father.

Q What was your father's name? A Sam Webber.

Q Where were they going? A They came down on a hunt and to look around at the country; Peace was declared you know.

Q How much of a crowd was with him - you wasn't of the party, you just come across them? A We all left Kansas together.

Q Who was in the crowd? A Jesse Brown.

Q Go ahead? A John Curry.

Q Name another one? A Israel Johnson.

Q Did they have their families with them? A No sir. There was another fellow I can't think of his name. His name is out of my mind another man.

Q Did you make any locations that fall? A No sir.

Q What became of him when you left him at Horse Creek? A I left him there. I went to Gibson and when I come back to this part of the country, I went to Verdigris, and I never seen him, and I stayed there until March, '66, me and Jesse Brown.

Q And your father? A No sir, he never got with my any more there.

Q Where did you leave him? A On Horse Creek. When we left there we went to Goodys Bluff on the river.

Q When you went to Goodys Bluff you got with Jesse Brown? A No sir.

Q Who was with you at Goodye Bluff on the hunting trip? A Jesse Brown, John Strop, Lou Ray, Tobe Brown and son.
Q Were there two Jesse Brown's? A No sir, only one I know.
Q You said just now you left Jesse with your daddy? A No sir, I said Jesse and I went to Gibson.
Q You and Jesse left them there? A Yes sir.
Q When did you come down here and settle? A In the fall of '66.
Q Jack wasn't with you on that trip? A No sir, he didn't come down with me on that trip. He come shortly afterwards.

ABRAHAM RARE, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:
Q What is your name? A Abraham Rare.
Q What is your postoffice? A Wimer.
Q How long have you lived where you live now? A Well, about thirty years, maybe longer.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Jackson Davis? A Yes sir.
Q How long have you known Jack? A I have known im ever since he was a boy.
Q Did you know him before the war? A Yes sir.
Q Where was Jack then when you knew him before the war? A Way down here about east of Tahlequah, as nigh as I can come at it.
(Cherokee Attorney, L. B. Bell, states that: "It is conceded that he is a Cherokee Freedman!")
Q Did you go out of the Cherokee Nation during the war? A No sir.
Q When did you first see Jack Davis in the Cherokee Nation after the war? A Well, as nigh as I can come at it, it was '66, I guess: I met Chief Ross going to Washington, and we were coming in then.
Q Where did you see Jack then? A He was in the crowd with us.
Q What place? A At Neosho River, coming down.
Q Where did you go to? A We come down to Big Creek; part of us went to Big Creek and part went on to Gibson.
Q How many children did Jack have - what were their names? I remember some of the boys.
Q Who were they? A John and Will; they were small boys then.
Q Did he have some girls? A I don't remember. I think he did though.
Q Where did you make your location? A On Big Creek.
Q Have you been living in that neighborhood ever since? A No sir, pretty nigh it though. I lived down on Grand River about three years.
Q Have you known Jack Davis ever since that time? A Yes sir.
Q Where has he been living? A He has been down on Grand river part of the time and part of the time on Big Creek. He left Big Creek and went to Grand river.
L. B. Bell: What time of the year was it you met Chief Ross?
A In '66.
Q That was the year, but what time was it? A In the fall. I think it was in the fall; it was warm weather; summer. I called it fall.
Q It was along in the summer or fall, was it? A Yes sir.
Q Chief Ross, you mean old John Ross? A Yes sir.

Commissioner Needles: Jackson Davis applies for the enrollment of himself and his wife, Caroline. Upon examination of the rolls of 1880 his name cannot be found thereon. He and his wife are both duly identified on the Kerns Clifton Roll and the Wallace Roll according to page and number of the said

[illegible] on [illegible] in the testimony, and make satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880, and the further fact that their enrollment is protested by the Cherokee Nation, the said Jackson Davis and his wife, Carolina will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting further consideration of the Commission. They will be notified of the decision of the Commission when rendered by mail.

The Undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, J. B. Rothenberger.

Subscribed and sworn to before me this 3rd day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 31st, 1901.

Supplemental Testimony in the matter of the enrollment of Jackson Davis as a Cherokee Freedman.

CARRIE DAVIS, being first duly sworn, by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mallette & Smith, Attorneys for Applicants.
Mr. L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

Q State your name? A Carrie Davis now; I used to be Carrie Whitmire.
Q Is Jack Davis your husband? A Yes, sir.
Q How old are you? A I am 64 years old.
Q Were you a slave during the war? A Yes, sir.
Q To whom did you belong? A Belonged to George Whitmire.
Q Was George Whitmire an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live before the war? A Down in Going Snake on the Barren Fork.
Q Were you out there when the war came up? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q When did you come back? A [illegible].
Q Where did you come to? A Fort Gibson.
Q Now, where have you been living since? A I was, since I have been living on Grand River, 35 years.
Q Been living on Grand River 35 years? A Yes, sir.
Q Now, you dont know of your own personal knowledge what time Jack Davis got back? A No, sir; I don't know just when he got back, I know where I found him.

By L. B. Bell:

Q Who was it you belonged to? A George Whitmire.

Q Where did you go when you went out? A I went to Fort Smith.
Q You went up to Kansas [illegible]? A Yes, sir.
Q When did you return? A I returned in the summer of '66.
Q Who came with you? A My old step-grandfather and Henry Harrill and another man by the name of [illegible].
Q Henry Harrill? A Yes, sir.
Q Who was your grandfather? A Old uncle Daniel Sanders.
Q He is dead now? A Yes, sir, and my grandmother.
Q Your grandmother is dead too, is she? A Yes, sir, Pompa Sanders.
Q Is anybody alive that came with you? A No, sir, but my brothers and sisters; my brothers lives at Gibson they come from the south.
Q What was their names? A Betsy Whitmire was my mother.
Q Is she alive? A No, sir, she is dead.
Q Now, who was down there at Gibson when you first got there?
A The first one I saw was Solomon Forester and his wife, Elizabeth Forester; I went to their house; that is where the first house I went to was Forester.
Q Did you know a woman that was down there by the name of Amanda Forester? A Yes, sir, I did.
Q Did you see anything of her when you went there? A Yes, sir; I saw her.
Q In '66; she was living there in '66? A Yes, sir, I was right there at her house.
Q Where did you start from when you started from Kansas?
A I started from Fort Smith.
Q That is where you were living? A That is where I was.
Q About how many with you in that crowd? A Four or five with me; I was down on the old Military road.
Q You come down the old Military road did you?
A Yes, sir, right by where you used to live.

By Mr. Smith:

Q How long have you and Jack Davis been living together as man and wife? A Well I must got with him; it must have been in '69 I think, or '68, I don't know which.
Q You and he had been married in war times? A No, sir, I wasn't married before the war, but I knowed him.
Q When were you married? A We married it must have been in '6[illegible] or '68, I don't know which, one of them I was married to him.
Q These children then are not your children? A No, sir; they are my stepchildren.
Q You are looking out now for yourself? A Yes, sir, I was looking then for these.

By Mr. Bell:

Q Were you with Jack when you stayed there at the mouth of Rock Creek? A Yes, sir, I was with him then, but I hadn't been with him long.
Q You were with him a year or two? A Yes, sir, I found him up on Big Creek, all my people was living down there, Johnson Whitmire people, there was two brothers of the Whitmires.
Q You and him didn't marry since you found him on Big Creek?
A Yes, sir, and then we moved to Grand river.

T. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

[illegible] from [illegible] by [illegible], [illegible]
Davis, June 1st, 19[illegible].

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[illegible] of the [illegible] of [illegible] Davis or a [illegible] [illegible].

[illegible] [illegible] [illegible] [

being is a true and complete transcript of his stenographic notes thereof.

Signed, J. D. Rogers.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, E. B. Beckles,
Commissioner.

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Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Sworn to and subscribed before me this 4th day of August, 1901.

Commissioner.

being is a true and complete transcript of his stenographic notes

Signed, J. G. Pearson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. M[illegible]

Commissioner.

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[illegible] T. Jones, being duly sworn, says that as stenographer [illegible] to the Five Civilized Tribes he copied the foregoing [illegible] the same is a true and correct copy from the originals.

[illegible]

Subscribed before me this 27th of August, 1901.

[illegible]

Commissioner.

FILED
AUG 28 1901
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
INDIAN TERRITORY

[illegible] File with case of Dennis Lean,
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TULSA, I.T., OCTOBER 11th, 1911.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jackson Davis as a Cherokee freedman, introduced on part of Cherokee Nation

APPEARANCES:
Mr. Mollette, of Mollette & Smith, for applicant,
Mr. Davenport, of Counsel for Cherokee Nation.

THOMAS HAMILTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Thomas Hamilton.
Q Where do you live, Mr. Hamilton? A Mapleton, Kansas.
Q How old are you? A 78.
Q How long have you lived at or near Mapleton, Kansas? A Since '57.
Q What business do you follow, Mr. Hamilton? A I usedto be a farmer, I don't do anything now for a number of years.
Q Did you, while you were living at Mapleton or in that vicinity, become acquainted with a colored man by the name of Davis? A I did.
Q What was his first name? A Jack, we used to call him.
Q Did you know any of his family? A I knowed John and William and he had two gals, but I forget their names.
Q Where were you living when you first got acquainted with him, Mr. Hamilton? A At Mapleton.
Q About when did you first get acquainted with him? A I think it must have been sometime in '63, I would not be positive.
Q Well, after you got acquainted did he work near you after that any? A He worked for my wife, I was working in the government shop and he worked for her.
Q Now, did you leave Mapleton and go away to any place after that? A I worked in the shop after I got acquainted with him and then I left and went to Fort Smith.
Q Fort Smith, Arkansas? A Yes, sir.
Q About how long were you gone to Fort Smith, Arkansas? A Well, maybe three months, I don't remember, it was not long.
Q When you came back where was Jackson Davis if you know? A I think he was working for my wife when I got back.
Q Do you know whether he farmed any while he was living up in that country? A Yes, I know he farmed.
Q Well, what years did he make crops up there, Mr. Hamilton? A I think he must have made a crop in '66, '67 '68 and he might not have done it in '68, he made two crops.
Q Made two crips did he? A Yes, sir.
Q Well, did you know his wife? A I wasn't acquainted with her, but I have seen her. They lived about two or three miles and a half from where I lived.
Q [illegible] After you became acquainted with him did he go off and come back with a wife? A Yes sir, he went off and brought a woman there, when he come he had one woman there.
Q Did his family, these boys and girls, did they leave when he did? A What?
Q When did he move away from that vicinity there, from Mapleton? A He lived there three or four milesfrom me, three or four years.
Q Now, you said he made crops in '66, '67 and '8, now with reference to these crops when did he move away? A He went away pretty soon.
Q Did his girls or boys go away with them? A The girls I knew very little about and well, the youngest boy I never seen him mubh after I went home, only saw him before I come home, I seen John some.
Q Was John there up to the time his father left, or did he leave first, or do you know? A I don't really know, I seen John a number of years afterwards in Fort Scott.
Q Do you know whether he was living there or not? A No, sir, he was running a barber shop, he told me.

Mr. PHILLIPS: Well, Mr. Hamilton, Jack Davis came to the Territory right here after the war, or soon after the war? A Well, that is my way of thinking that he made two crops up there. I think in '65, he come down here and got a woman and brought up there.
Q Well, Jack Davis did come to the Territory in 1866? A I think he came down here in 1866 and got a woman and brought her up there.
Q How long did he stay down here when he came in 1866? A He didn't stay a great while, shortly after that he put the crop in and came and got the woman and went back.
Q Are you certain that is '66 or '65? A That was '66.
Q Where did he make a crop you say in 1866? A He made a crop on Larks Creek.
Q Isn't that the last crop he made? A No, sir, I think not.
Q Now, how long ago has that been? A It was '66 and '67.
Q That has been about 36 years ago? A Yes, sir.
Q When did you have you attention first called to this matter?
A Until they come up here and examined here.
Q When was that? A About a month ago.
Q Now, Mr. Hamilton, do youpretend to say that you can remember a man made a crop at a certain place 36 years ago?
A What makes me remember it; I could not swear positively only just my memory lead me to that conclusion.
Q You know that he did come to the Cherokee Nation in 1866?
A Yes, sir.
Q wasn't he back and forth frequently at that time? A I don't think he was.
Q Did you watch him all the time? A No, sir.
Q When did you move Mapleton? A I moved there in '65.
Q You didn't pay a great deal of attention to what Jack pavis was doing about the time? A Not a great deal, only just as I would see him.
Q How far is it from here to Mapleton, Kansas? A About 120 miles
Q How far is it from Mapleton, Kansas, to the Cherokee line?
A I don't know, it must be something nigh eighty or ninety miles.
Q It didn't take long to go from Mapleton, Kansas, down to the Cherokee line and Cherokee line to Mapleton, Kansas? A No, sir, not very long.
Q Well, when he finally left there , whether it was '66 or not, you understand he came to the Cherokee Nation? A That was my understanding, he was the first man to my country to come down here.
Q He was the first man out of your country to come to the Cherokee Nation? A Yes, sir, he was to my knowledge.

Com'r Needles: This testimony will be filed with the testimony in the original case of the applicant, and will be made partof the record in Freedmen doubtful cases #454, #455, #456, and #457.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.

J O Rosson

Commissioner.

File Cit. Cherokee Freedmen D-742, Delilah Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1902.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.
Q How old are you? A I was 60 the 9th of last March.
Q Where do you live? A I live in Lynn County, Stanton Township.
Q What is your postoffice? A Mapleton.
Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.
Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.
Q Did you know one by the name of Delilah Rowe? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Daniel Rowe.
Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.
Q How far did they live from you? A About half a mile.
Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.
Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.
Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.
Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.
Q Why do you say he came first, was there any circumstances?
A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.
Q Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.
Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.
Mr. Smith: How long did you say this Delilah Rowe lived there?
A She lived there all the time her father did, with him.
Q What was her father's name? A Daniel Rowe.
Q Well, how long did he live there? A He lived there at the close of the war in '65 as near as I can remember.
Q How long did he stay? A Stayed until he moved to the Territory.
Q Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

He moved in the winter I recollect well, when Mr. Rose moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rose, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rose moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rose, I am satisfied, moved there in the spring.

Q Haven't you told me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rose came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world, he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much order was the first child than the second one? A My boy; 7 years older; let's see, I can can cound that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

Q How many? A I can't tell you exactly but I can remember the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl. She born April 28.

Q What year? A That was in '66.

Q April 28? A Yes, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64 wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about Abraham as near the truth as I can tell you: if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, well after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you print Mary Ann '57, the month of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes: when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that wasthe first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

thank you.

Q And moved away in '67, did she say a little child that she came there, is that right? A She had a little child when he came there.

Q Now that was if you were correct in saying that was when she was one? A She was a mother, she must have been a woman. She had that child before she moved away.

Q Was she? A Yes. And that could bring right up there where they lived all the time they were by Davis.

Q About how many years did you think she was when they came there about the time they were married? A Well, she might have been 18, 19, somewhere along there.

Q You think she was as much as 19? A I don't say, it is just guess work, of course she might have been more than that.

Q How old did she answer to be when she had this child, was she a young person? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman? A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when the child was born and took care of it.

Commissioner: That was Delilah Rose's father's name? A Daniel Rose.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, It wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time: you said something about Mr. Davis coming down, you said that he came down to the Mattox to get his wife, didn't you say something about that; you said Mr. Rose, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong: didn't I tell you Mr. Davis moved down and wrote to Mr. Rose a letter.

Q You say now that David moved before Rose, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Something during the winter? A Yes, the fall.

Q You don't know whether it was the first part or the last part? A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year. I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rose

a letter when he was living there and Mr. Howe brought the letter to my husband to read it, he couldn't read anything and my husband could.

Q What is the first you have said about a letter since you have been under examination in this case? A Well, that was the day of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Howe having read by your husband in your possession? A No, I guess not, Mr. Howe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Lived on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freeman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-455.

***********

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

File with Dennis Bell, S. F. D. Tah.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 26th 1903.

[illegible] in the matter of the application of [illegible] Davis, [illegible] dec.

Appearances:
[illegible] Davenport for the Cherokee Nation
[illegible] Smith for the applicant.

Mrs. Elizabeth Jane Morris being first duly sworn by [illegible] U.S. Commissioner, testified as follows for the Cherokee Nation:

( By Davenport )

Q What is your name? A Mrs. Elizabeth Jane Morris.
Q Where do you live? A In Linn County Kansas.
Q What is your post office? A Mapleton.
Q How old are you? I was 46 on the 9th day of last March.
Q Did you ever live at Fort Scott, Kansas? 20 miles from there is as near as I have ever lived.
Q When did you move into that locality? A In 1862, in December, where we live now.
Q Have you lived there ever since? A Yes sir.
Q Did you get acquainted with a family of colored people named Davis?
A Yes sir, Jack Davis.
Q Do you know his family? A Yes sir.
Q Give their names? A The eldest daughter, her name was Sallie Beck, she was married, next oldest John, a son, third one was named William, and the fourth was a girl, her name was Lizzie, I dont know as I am correct as to the youngest one, Allen I think.
Q When did you get acquainted with Jackson Davis' family? A Well in 1865.
Q How far did they live from you at that time? A When I first got acquainted with he he was backwards and forwards, but he located in about one mile of where I live, on a man's farm named Jim Morris.
Q What year was that? A '66.
Q How long did he live there? A Until he moved to the Territory.
Q How long was that about? A Well I cant exactly say, if he left in the spring or fall; I am certain that he was there until the fall of '67, he moved away in '67, that is if he left in the fall but if he staid until spring then he left in the spring of '68.
Q You lived within a mile of him? A Yes sir.

( By Smith )

Q What is your name, did you say? A Elizabeth Jane Morris.
Q What is your post office? A Mapleton, Kansas.
Q You dont know whether the Jackson Davis you are talking about is the same man who has applied here to be enrolled do you? A I dont understand you.
Q I say, you dont know whether or not the Jackson Davis you are talking about, the one you knew up there in Kansas in '66 was the same Jackson Davis who has applied here for enrollment as a freedman do you? A I dont know who has applied, but I hear that he was down here.
Q But you dont know if it is the same man who applied here? A It must be.
Q Do you know it? A No more than by recommendation, he came here, I am speaking about the man that lived in my neighborhood.
Q That is the same one I am asking you about, is that the same one who has applied here? A I dont know that, of course.
Q Then you don't tho that he is the same man who has applied here? A No sir.
Q Where were you when the war commenced? A I was living at Mound City Kansas? A Yes sir.
Q Were you a slave? A I once was a slave.
Q Were you a slave when the war commenced? A No sir I got my freedom in '62.

Q How long were you there before the war was closed? A [illegible]
[illegible]
Q What time in '61? A I might know exactly as to that, either in fall.
Q When did it close? A In 1865.
Q What time of the year? A I can't tell you exactly, in the fall as nearly as I remember.
Q Where were you when the war closed? A Living on the claim where I reside now.
Q Do you live on a farm? A Yes sir.
Q What year is this? A That year is this, this is Nineteen-one or one hundred and one ain't it? XXX
Q What is it? A 1901 ain't it? I am not much of a scholar.
Q In 1865 where were you living? A Right where I reside now.
Q Do you know the difference between '66 and any other year or do you know exactly that you have been living where you are now since the close of the war? A I know I have been living where I am living now since the war closed.
Q And that you were living there when the war closed? A Yes sir.
Q Do you know now what happened in 1868? A Several things happened in 1868.
Q Well what? A Wasn't there a great race for nominating a President at that time?
Q I am asking you what took place then—do you know who was nominated then? A '68 you say?
Q Yes. A I can't say, I can call the Presidents over, some of them.
Q Can you tell me who was nominated in 1868? A In '68, wasn't this President that was assinated, wasn't he nominated.
Q Who was that, Lincoln? A No sir.
Q Garfield? A I can't remember the different Presidents.
Q Wasn't that the one who was assinated who was nominated in '68? A No, sir, must have been further back than that.
Q The truth about it is, you dont know when Jackson Davis left Kansas if he was ever there? A He was living there in '66 and '7 and left there in '67 or '8.
Q How do you know that? A By the birth of one of my children.
Q When did you first have your attention called to when Jackson Davis lived up there? A There was a gentleman there inquiring of me about what I knowed about it.
Q Who was it? A I dont know, never asked him his name.
Q When was that? A One day last week.
Q Had you ever thought anything about Jackson Davis living there until this gentleman came there and inquired of you about it? A Yes sir I had it perfect when he came there.
Q How did you keep it in your mind all this time? A Because I never forgot it, they was old neighbors and I often heard from him since they left, they had often worked for us, this Mr. Davis.
Q You dont know what time of the year he left there? A To be exact I wouldn't say, but he left there either in the spring or fall, he might have left in the spring of '68, but I think it was in the fall of '67.
Q You think he left there either in the spring or fall but you are not positive which? A Yes sir, one or the other, I would not be positive.
Q You think he was there in '66 and '7 if you are not mistaken? A I am not mistaken about that, he was there then.
Q How many children have you living now? A Two, this was my oldest son that I was speaking about, his birth was put down in the bible, he was born in '66, and I know Davis' wife was visiting me and had him in her lap when he was at the breast, and when they left there he could walk because I led him when we went to say good bye, of course he could not walk all the way.
Q What time was your sons born, what part of the year? A June 4th '66.
Q Who put it in the bible? A One of my neighbors, a Mr. Brinhorn,
Q Where is he now ? A He is dead.
Q Where is the bible? A It is at home but the man that authorized me

here that it from the bible on a sheet of paper, he read it.
Q You did he happen to have it from the bible? A I showed it.
Q Did he tell you what he would like to have you prove? A No sir, he said he wanted the trial as near as I could give it about when Mr. Davis was living there.
Q Did you get a subpoena? A I dont know nothing about no subpoena.
Q You just come down here of your own account? A I was authorized to come here by that gentleman. I was told that he was a United States Deputy.
Q What did he say about it? A He said he wanted to know as near as could be about when Mr. Davis left up there.
Q He didn't tell you he was a United States officer did he? A No sir, I was told that he was.
Q When did you first get acquainted with Jack Davis? A Must have been in '66.
Q Where was he living then? A Up there near Linn County.
Q What was he doing? A Working around.
Q Married or single? A No sir he married after that.
Q When? A In 1866.
Q Where? A I guess at Fort Scott.
Q Do you know? A I wasn't at the wedding, but I heard that was where h married.
Q Then he was away from Linn County in '66? A No sir he was there all the time where he lived in '66
Q All the time? Mostly.
Q Well how much of the time was he away? A I dont know--in '65 was when I got acquainted with him——
Q Well you say he married in '66? A Yes sir'
Q He was away from Linn County then? A No sir, he was in the draft in '66 if you know what that is.
Q Where was Jackson Davis in the year 1866, can you tell me plainly? A He was on that farm there.
Q You saw him yourself? A Yes sir.
Q You didn't see him all the time in '66 did you? A No sir, but he was cropping there then.
Q You say he married in '66? A Yes sir.
Q How long was he away when he married? A He wasn't away from there any time then.
Q Where did he marry? A Fort Scott, Bourbon County.
Q Well then if he went to Fort Scott to marry he was away from Linn county some wasn't he? A He never lived in Linn county, he always lived in Bourbon.
Q Where were you living? A Linn county.
Q Well that was where you were living when you knew him wasn't it? A Yes sir.
Q Well then how could he marry some one in Bourbon county and not leave Linn County to do it? A He never lived in Linn he lived in Bourbon.
Q Do Linn and Bourbon counties join? A Yes sir.
Q Do you live close to the line? A Yes sir.
Q How far from Fort Scott? A 20 miles.
Q You dont know where he really did marry? A I was told he was married in Scott.
Q But of your own knowledge you dont know? A No sir.
Q When did he bring his wife to the place you are talking about? A In '66.
Q What time of the year? A In the spring or summer.
Q How long did he stay there at that place after he brought his wife there? A Until he moved to the Territory.
Q How long was that? A You ought to know how long from '66 to '67 is.
Q You are on the stand now, how long was it? A It was going on two years

and so I tell you. I could say exactly if he left in the fall of '67 or what until the spring of '68.
Q You never thought of this matter until that man came there to see you? you never heard that Jack Davis died down in the Nation before that time did you? A I didn't have no cause to , there was no use to get the mind down to one.
( By Davenport )
Q Did Jack Davis farm there? A Yes sir.
( By the Commission )
Q You say he might have left there in the fall of '67? A Yes sir, if he left there in the fall he left in '67 and if he left in the spring it was in '68.
Q Do you positively state that Jack Davis didn't come to the Territory in the year '66? A I dont tell you anything about that.
Q He might have come to the Territory in '66 and then come back there and you not know it mightn't he? A Yes sir, but he never moved here, he might have come on a visit.
Q He might have come on business too? A Yes.
( By Smith )
Q Do you know a man named Hamilton in that neighborhood? A Yes sir I have been knowing him by name for years, I never knew him well.
Q He was living there in '66? A Yes sir, in Bourbon County.
Q Is he the same man who has been here to testify in this case? A Yes sir he told me he had been here twice.
Q Dont you know that Jack Davis was here in the Cherokee Nation in '66, and dont you know that the time you say you saw him there in January he had just brought his wife and children back there? A No sir.
Q When did he marry? A In '66.
Q Where were these children? A They was there and he kept house with them long before he brought this woman who is his wife now.
Q You dont know where he brought this woman from? A She lived in Fort Scott I tell you; she had been in that part of the country where I live a number of times before Davis married here; she had acquaintances there and used to come to see them; used to come and see the Possmans and others there, and had been in my house before she married him.
Q What place did Davis live on then? A The Jim Morris place, he is dead, but his son in law is there yet.
Q His son in law is still living is he? A Yes sir.
Q Is his wife living? A His second wife is living, his first wife is dead.
Q Do you know when Jack Davis went there to live on that place? A Seems to me he went there in '65.
Q What time of the year? A I cant tell on that.
Q Did he live on any other place besides that? A I cant tell you that.
Q From the time you got acquainted with him, did he live on any other place? A No sir, not as I know.
Q How long did he live on that place? A '66 and '67
Q How far does this Mr. Hamilton live from you? A 30 miles.
Q For the purpose of refreshing your memory, if Hamilton says Jack Davis came to the Cherokee Nation in '66, is that correct or incorrect? A I dont tell you anything about that .

CHARLES CREIGHTON being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation,
( By Davenport )
Q What is your name? A Charles Creighton.
Q How old are you? A I am 80 years old the 30th of September past.
Q What is your post office address? A Hamilton, Kansas.
Q How long have you lived in the neighborhood of Hamilton? A Ever since I came here here about 38 years ago I think.
Q When did you come to that neighborhood? A In November, time of the election, the 7th or 8th of November, I know that they was carrying on the election, you will know when that was.

[illegible] that time, will refresh up the [illegible] of the court A Best [illegible] after.
Where you have been living there did you become acquainted with a [illegible] Jack Davis? A Yes sir.
Do you know the family? A I saw one boy, I have been to his house but have never seen [illegible] it.
Do you know what place he lived on? A The old Morris place, he is dead now.
What year was that he lived there? A That was in '66.
How far did you live from this Morris place? A One mile northwest of it
How long did you continue to live there? A Ever since I came there.
How long did Jack Davis live on this place? A I can't exactly tell that —he was there— it was in the spring of '67 that I saw him,it was the time of corn planting.
You went there when? A '66.
What fixes that date on your mind? A I have a deed,it was on the 5th day of November '66—I was about a week here when I got that deed.
(Handing deed to attorney )
Do you know if Jack Davis was farming on that place? A I don't know,I can't tell you, I never was there but the once, the year I came there or the year after, I dont know which .
You saw him there after this deed was executed to you? A Yes sir. I wouldn't know him if I would see him now; he was a kind of yellow fellow then,I dont know if he is yet.
You moved on the place that you bought did you? A Yes sir,I was off about ten months, I will tell you how that came—
We dont care anything about that— did you live on the place that this deed was given for after you bought it? A Yes sir.
And Jack Davis was living on this Morris place that year? A Yes sir
( By Smith )
What did you say your name was? A Charles Creighton.
What is your post office now? A Manleton Kansas.
Where were you from to that country? A I came from Illinois.
You had been there a week when you got this deed? A Only a week,or maybe two weeks.
During the— until the month of November 1866 you didn't know this man Davis? A Yes sir I seen him there at his own place.
I say, you didn't know him until November '66? A No sir I wasn't here myself before that.
You dont know anything about the matter except that you saw him there the following year after you come there? A That is all.
After you come there to Kansas you didn't know where he lived until some time after? A No sir.
Were you ever at his house? A Never was inside,I was there.
Do you know where he was in the year '66, all the year? A He was living there.
You dont know where he was until November of that year do you? A No sir it was after I come there that I got acquainted with him.
How long has it been since you have seen this man? A Not since'67
How long has that been? A I cant tell you; you'll have to figure it out.
You figure it? A I am too old to do it.
Can't you say how many years it has been ? A No sir my head is too lazy for that.
When did you first have your attention called to when you saw this man Davis first? Did you ever testify against him before? A No sir I didn't know he was on trial before.
When was your attention first called to this matter? A Last Friday or Saturday.
You had forgotten there was such a man then hadn't you? A No sir I often thought of Jack Davis, I thought of him many times .
Just kept on thinking of him for 36 years did you? A I would think of you too if you moved from my neighborhood.
You dont know where he lives? A No sir not since the fall of the next year; he was there in the spring of '67 because I was talking to him
You only saw him in Kansas? A Yes sir,that is all.

[illegible] to [illegible] [illegible] [illegible] for [illegible].

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This will be filed in the original application of [illegible] [illegible] [illegible], and also in Cherokee Freedman cases [illegible] [illegible], [illegible] and [illegible].

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[illegible], being first duly sworn states that [illegible] to the Commission to the Five Civilized Tribes by [illegible] all the proceedings in the above cause and that the [illegible] full, true and correct transcript of his stenographic notes [illegible].

[illegible]

Subscribed and sworn to before me this the 17th of October, [illegible].

[illegible]

Commissioner.

Cherokee Freedman D-740

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Mannie Bean as a Cherokee Freedman.

On November 8, 1904, the applicant was notified by registered mail, and on the same date the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Mannie Bean as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application. Receipt has been acknowledged of the Commission's letter.

Now on this 23rd day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 14 day of December, 1904.

Charles L. Jaynes
Notary Public.

Cherokee Freedmen Roll

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 22ND, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Coowescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the ~~Xxx~~ Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdigris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Nose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I know the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Nose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip. A No, sir.
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and cut to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.

Q. Did there appear living on Big Creek in the Cherokee Nation at that time? A. No, sir.

Q. Anybody living on Grand Creek at that time? A. No, sir.

Q. Did you actually live in the Verdigris River at that time? A. No, I was actually living along the river, along the

A. [illegible] Riley.

Q. Who was a Chickasaw, and Carter, he was a [illegible] and John Adams, he was a Cherokee.

Q. Do you know of any colored people on the Verdigris River at that time? A. [illegible] that I know.

Q. You stopped around there in that country, did you not or living around?

A. [illegible]

Q. What did you do then? A. We went back to Fort Gibson.

Q. That was the first trip that she made by way of the colored people up there, as far as you know, to the Cherokee Nation either way? A. Yes, sir.

Q. Then and what was said at the time? A. I know that was what they said, there may have been a few came before that and went the other way by Greenville.

Q. Well now when was the second trip made. A. That was made in December sometime.

Q. Of 1866? A. Yes.

Q. How was going with you on the second trip? A. Samson Denfield, Johnson Hughes, Dick Whitmire.

Q. Who was Dick Whitmire? A. Yes sir, has been here.

Q. Where did Johnson Hughes live? A. Some Creeks and Cherokees.

Q. Where of them? A. They went on down.

Q. Their own country? A. Yes, sir.

Q. Did you go down gradually the Creek country and spread out over the place? A. We didn't go over all the country, we went down some of it, we done a little work.

Q. Do you know that after every where any colored people living in any part of the country known as Big Creek and Grand Creek and the Verdigris River? A. No, sir.

Q. What work did you do in August, 1866? A. Put up some houses.

Q. Do you know of any logs? A. Yes, sir.

Q. Did you cover them with? A. We covered two or three of them, I believe.

Q. Do you think about two of them? A. Yes, sir.

Q. Do you recall what was besides of the houses? A. Yes, sir.

Q. Did you go in any fields at that time? A. No, sir.

Q. Did you ever think, do remember you went to Chouteau Creek, did you not detached your ship before? A. Yes, sir.

Q. Well how long did you stay there in December, '66? A. I stayed [illegible] there.

Q. Where did you go then? A. I came to Fort Gibson from there.

Q. Where did you go from Fort Gibson? A. Geiningsville.

Q. How many of them she were with you? A. They went back to their South, Kansas.

Q. After going to Geiningsville did you return to Kansas or [illegible]? A. Yes, sir.

Q. About what time of the year did you go back to Kansas? A. In the spring, the second time, I don't just remember what time.

Q. Do you remember of the circumstances of Jim Hayford being killed? A. Yes, sir.

Q. Did you know Hayford? A. Yes, sir.

Q There were you from he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him?
A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who come with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louie Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitement when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you one but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first come from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '63? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I knew of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhares along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I know Jack Landrum.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in 1867? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he marry some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in 1867? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hagfield, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.

Q [illegible] did you know Eli Woodby? A Yes, sir.
Q [illegible] you in [illegible], 1866, in [illegible], before the [illegible] crowd, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they weren't with me then, left them on the Verdigris River, I met McCracken down at Fort [illegible].
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Coingmah.
Q As I understand you you went to Coingmah by the way of Table-rock and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well, yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Q Will you all the names of those you can remember in response to Mr. Keating's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire [illegible] to make homes.
Q You came down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Came in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q And you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this party, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Tell now when you came down in December the second time for what purpose did you come? A We came down to work on our [illegible].
Q Had left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.

Q There were none? A None.
Q How did you come the second trip? A In wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Jesse, Lewis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The eldest was Marian, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Marian at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir. Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No, sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by [illegible] Creek, what is called Lightening Creek, crossed over at [illegible]

We came down by Bayalge and there we turned west and went over the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We came down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I knew of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q Then in August, '66? A Yes, sir after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building these houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you came to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it tunrs around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built these houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Ridge.
Q Did you have to cut trees down and hew these logs out? A We got the logs down and hewed them out.
Q What did you cover these houses with? A Boards.

Q. Where did you get the lumber? A. It wasn't lumber boards, it was [illegible] boards.

Q. You had there five weeks? A. Yes, sir.

Q. You came to the Cherokee Nation, built those houses and went back to Fort Scott, when did you go back to Fort Scott? A. I don't remember just exactly what time I did get back on the first trip, I don't recollect.

Q. How long did you stay down in the Cherokee Nation when you were down there? A. Two weeks that time.

Q. The first time? A. Yes, sir.

Q. During those weeks you built several houses? A. Yes, sir.

Q. Visited around different settlements on Big Creek? A. There wasn't no settlements that we looked around, we got the country.

Q. What was your idea in looking at the country when you had located and built your houses? A. We wanted to see if there was any place better.

Q. Liked your houses would you? A. The houses were just some logs and we could have got more if we had found a better location.

Q. Then you returned to the Cherokee Nation in December? A. Yes, sir.

Q. What did you bring that time, what road? A. We came pretty much [illegible] the same the first time, by Lightening Creek.

Q. Came by Lightening Creek? A. Yes, sir.

Q. Came by Big Creek? A. Yes, sir, Big Creek.

Q. Right along to the river? A. Come to where we started from.

Q. Then down in the bottom along Big Creek? A. Yes, [illegible] along the bottom.

Q. Now, Mr. Whitlow, in August when you folks come down there, did you go in the bottoms or get out on the grass? A. No, we didn't stay in the bottoms, we would go out on the prairie [illegible].

Q. There great high grass in the bottoms that time and made it difficult to travel through? A. Yes, sir, there was grass [illegible].

Q. Wasn't the grass a little short on the prairie? A. Yes, sir. Q. For that reason you stayed out of the bottoms on the way [illegible]? A. No, we went in the bottoms.

Q. You didn't travel down in these bottoms all the time did you? A. No, sir.

Q. You didn't travel in that big grass did you? A. Yes, sir in [illegible].

Q. What did you have, wagons? A. Wagons and teams.

Q. What kind of horses did you have? A. Some mules, some horses and some oxen.

Q. What was your object in travelling in that high grass down in the bottoms, instead of going on the prairie? A. It was a good place, that was the object, if you was looking for a location you went on the prairie to hunt it.

Q. Do you know where you was going when you left Fort Scott? [illegible]

Q. [illegible] this country before the war? A. No, I never [illegible].

Q. [illegible] people of Freedmen that came out from Fort Scott, before you came in December? A. Yes, I [illegible] A. No, sir.

Q Did Bill McCracken and Levi [illegible] in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them [illegible] McCracken lived on Flat River and Vil lived in [illegible].
Q Where did Wine Alberty live? A On Upper Creek.
Q When you came down in December, 1894, how long did [illegible] in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to [illegible] then to Tahlequah.
Q And returned the same way? A I returned the [illegible].
Q That time did you go to Fort Scott? A About [illegible].
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A [illegible] weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or [illegible].
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you came the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I know and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there.
A Yes, sir.
Q And the Sanders family came with you? A Yes, sir, Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August?
A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Goingsnake, how did you go?
A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You did have some hunting a good deal of the time at that time, did you? A It was all we had to eat.
Q [illegible] make you go round in those bottoms in search of game?
A [illegible], sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q [illegible] living when the war closed? A I was down south [illegible]
[illegible] to the Cherokee Nation? A I came to the [illegible]
[illegible] to think Sequoyah.
[illegible] Creek.
[illegible]
[illegible] in [illegible] to Snow Creek and found the branch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q Was you near the Kansas line? A Yes, sir.
Q Was you had reason to go up to the Verdegris river from where you on Snow Creek.
Q Did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I knew where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long wave from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives?
A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement?
A Yes, sir.

Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. [illegible]:
Q When was this Mr. Keys that you made this trip in April or May?
A In April or May of 1888.
Q Where did you strike the Verdegris river when you started?
A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for those cattle? A Not a great ways, I don't think it was more than , [illegible] a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A We crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q. How far? A. One half mile or somewhere along there. Q. Did you forget those cattle and you return to Chanmore? A. I just rode into the bunch of cattle and then I turned and went back down the river.

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The Cherokee Nation makes that the testimony taken of Aaron Whitaker and James M. Hays on this date be made a part of the record in the case of Frank Love, F. D. 679, Sarah Robinson, F. D. 478; Lavinia Powell, F. D. 430; Sally A. Conard F. D. 611.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(SEAL) (Signed) Charles H. Sawyer.
Notary Public.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the five civilized tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18 day of January, 1906.

Charles H. Sawyer
Notary Public.

FILED
JAN 19 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

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| Jackson Davis et al., | Cherokee Freedmen D 453, |
| Sallie Whitmire, et al., | Cherokee Freedmen D 454, |
| John D. Davis, | Cherokee Freedmen D 455, |
| William Davis | Cherokee Freedmen D 456, |
| Ellen Bell, et al., | Cherokee Freedmen D 457, |
| Mannie Bean, | Cherokee Freedmen D 740. |

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O R D E R .

It is ordered that a copy of the testimony of Aaron Whitmire, taken at Muskogee, Indian Territory, December 23, 1904, in re application of Charlette French, Cherokee Freedman No. D-1012, be filed with and made a part of the record in the consolidated case of Jackson Davis, et al., Cherokee Freedmen No. D-453 et al.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,
this JAN 13 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

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| William Davis, | Cherokee Freedmen D 456, |
| Ellen Bell, et al., | Cherokee Freedmen D 457, |
| Mannie Bean, | Cherokee Freedmen D 740. |

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D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jackson Davis for himself and wife, Caroline Davis; by Sallie Whitmire for herself and minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself and wife, Katie Davis, by intermarriage. As the application for the enrollment of Katie Davis as a Cherokee freedman by intermarriage has heretofore been disposed of, she will not be embraced in this decision; by William Davis for himself; by Ellen Bell for herself and minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie H., Sarah and Julia Blackburn; and by Mannie Bean for himself. The testimony of Elizabeth Jane Morris taken October 14, 1901, at Vinita, Indian Territory, in re application of Delilah Rowe, et al., for enrollment as Cherokee freedmen, case No. D 748, andof Aaron Whitmire and James M. Keys taken December 23, 1904, at Muskogee, Indian Territory, in re application of Charlette French for enrollment as a Cherokee freedman, case No. D 1012, is filed herewith, and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis ad Ellen Bell, were the slaves of Cherokee citizens at the commencement of the Rebellion; and that they were taken

from the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that the minor applicants, Helen, Sarah, John, Jodie, and Charlie Ward, are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, nee Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Wannie Bean; and that the minor applicants, John O., Nora, Charlie Jr., Carrie, Buddie Jo, Sarah and Julia Blackburn (Blackburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Blackburne) Sr. In Cherokee Freedman D. 275 (R 214), the said Charlie Blackburn (Blackburne) Sr., was denied enrollment as a Cherokee freedman, by the Commission, and on October 10, 1906, its action was approved by the Department.

The evidence further shows that the applicant, Wannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether or not he possesses any rights to enrollment as a Cherokee freedman through his said father. Consequently his application is brought within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 5 4-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams, (I.T.D. 4230-04), and Martha Albert et al., (I.T.D. 4732-04).

It is further shown that when the applicant, Wannie Bean, was about ten or eleven years old, his father, Ben Bean, since deceased, taking with him his family, removed from the Cherokee Nation, and for fifteen years continuously lived outside the limits of the Indian Territory, and that during said period said applicant, Wannie Bean, remained a member of and resided with, his father's family.

The evidence further indicates that subsequent to the family's removal from the Cherokee Nation, the said Julia Ward, nee Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four oldest children were born, the youngest of which was three years old in 1901.

In view of these facts it is considered that even though the said Ben Bean, deceased, Julia Ward, nee Bean, deceased, and the said applicant, Wannie Bean, may have been at one time freedmen citizens of the Cherokee Nation, they have since forfeited their citizenship in said Nation, under Section II, Article I, Cherokee Constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

None of the applicants herein nor the said Ned Neat, deceased, or Julia Davis, deceased, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1880.

In re testimony as to return to the Cherokee Nation after the close of the war, of Jackson Davis and family, and Caroline Davis:

The applicant, Jackson Davis, experiences some difficulty in identifying his place of residence in the Cherokee Nation prior to his locating on Grand River, opposite the mouth of Cabin Creek. He testifies that he "wandered" around on Big Creek and Rock Creek, for sometime before locating as above indicated. He further testifies that "he came back in '66", and introduces Sam Webber to prove this statement. Sam Webber testifies that they came to the Cherokee Nation together "in the fall of 1866", and that he left Jackson Davis on Horse Creek, while he (Sam), (1) "went from Horse Creek on to Fort Gibson". (2) "went from Horse Creek on to Cook's Bluff." (3) "Went from Horse Creek on to Fort Gibson." As Cook's Bluff and Fort Gibson are some eight miles distant apart, and lie in different directions from Horse Creek, there appears little reason for this witness's confusion, had this trip to the Cherokee Nation, in fact, been made. There is little doubt but that the witness, Sam Webber, returned to the Cherokee Nation within the time specified in the Whitmire decree, and it is equally certain that his first trip to the Cherokee Nation after the Rebellion was made not earlier than August, 1866. He probably made a second trip from Kansas to the Cherokee Nation during the latter part of 1866, and a third some time in the spring of 1867. The testimony of numerous witnesses, interested and disinterested, who have testified before the Commission at different times and places, establish the above statement as practically correct.

The applicant, Jackson Davis, evidently intended to establish his return as in August or December of 1866, but in this his witness failed him, as he (Sam Webber), in connection with his testimony above indicated, further testifies that they did not return together in 1866, and that he did not see Jackson Davis during the year 1866, until "along late in the fall of '66, when they (Jackson Davis and family) came where we were over there" (on Big Creek) On behalf of the Cherokee Nation, Walter A. West testifies that Jackson Davis and family and one Tom Mayfield and family, came to the Cherokee Nation in February, 1869, and that Jackson Davis and family located "on the east side of the (Grand) river, near the mouth of Cabin Creek." This same witness, in the case of Thomas Mayfield, Cherokee Freedmen D 200, on behalf of the Cherokee Nation, testified to practically the same facts, and to the effect that Thomas Mayfield located on the east side of Grand river, opposite the mouth of Cabin Creek, is corroborated by Filmore Hicks, a witness for the said Thomas Mayfield. The Commission found, in Cherokee Freedmen D. 200, that the said Thomas Mayfield did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. Disinterested witnesses testify that Jackson Davis and family did not leave Kansas prior

to the fall of 1867, and probably later, and this, in connection with the testimony of Walter A. West, together with the finding of the Commission on Cherokee Citizenship in 1871, that "Jack Davis" did not return in time, form a combination of circumstances that satisfactorily show that Jackson Davis and family did not comply with the treaty stipulations of 1866, relative to the return of freedmen to the Cherokee Nation.

The applicant, Caroline Davis, testified that after the close of the rebellion, she returned to the Cherokee Nation in company with "Henry Merrill" (merrill), and others. In Cherokee Freedmen D 788 it was found by the Commission that the said Henry Merrill did not return to the Cherokee Nation, after the close of the rebellion, within the time specified in the Whitmire decree, and on October 18, 1904, its action was approved by the Department. She further testifies that upon her return in the summer of 1866, she stayed at Fort Gibson with Solomon Foster and family. The testimony of Aaron Whitmire taken in re application of Charlotte French, Cherokee Freedman D 1012, and which is made a part of the record in this case, shows that Solomon Foster did not return to the Cherokee Nation before December, 1866. Lewis Whitmire, in behalf of the applicant, Caroline Davis, testifies that after the war he first saw her during the winter of '66, at her mother's home near Tahlequah. The above indicated testimony of Aaron Whitmire shows that his brother, the said Lewis Whitmire, first came to the Cherokee Nation in August, 1866, stayed a few weeks in the immediate vicinity of Big Creek, and then returned to Kansas; that he came to the Big Creek country again in December, 1866, remained a few days in that vicinity, and a second time returned to Kansas, and did not again visit the Cherokee Nation until some time after the month of March, 1867. As the Big Creek country is some seventy-five or eighty miles northwest from Tahlequah, it is quite evident that Lewis Whitmire was not in the vicinity of Tahlequah prior to April or May, 1867.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Davis, Caroline Davis, Sallie Whitmire, Helen Ward, Sarah Ward, John Ward, Jodie Ward, Charlie Ward, John D. Davis, William Davis, Ellen Bell, John O. Blackburn, Nora Blackburn, Charlie Blackburn Jr., Carrie Blackburn, Buddie H. Blackburn, Sarah Blackburn, Julia Blackburn and Mannie Bean, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Dated at Muskogee, Indian Territory,

this Sep 29 1905

MAR

# NOTICE.

## Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

## MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Hennie Dean,
Hayden, I. T.
Cherokee-F-D-740.
Roinster.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen

D-740

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mannie Bean as a Cherokee freedman, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tneding to show that Ben Bean, father of the applicant, complied with article nine of the Treaty of 1866.

The said Mannie Bean has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, November 23, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COPY.

Cherokee
J D—740

Muskogee, Indian Territory, September 30, 1906.

Mannie Bean,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. Your attorneys, Kline & Dulger, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Incl. Cl-Cl.
CEL.

REGISTER

Cherokee
Y Dawes et al.

Muskogee, Indian Territory, September 28, 1906.

Elmer A. Bulger,
Attorney for Jackson Davis et als.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 27, 1906, rejecting, among others, the application for the enrollment of Jackson and Caroline Davis, and Minnie Dean as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Commissioner.

Encl. 2L-42.
GEL.
RMHISTER

Cherokee
F Dodd et al.

Muskogee, Indian Territory, September 28, 1906.

Dill, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting the applications for the enrollment as Cherokee freedmen of the applicants embraced in the consolidated applications of Jackson Davis et al., Cherokee Freedmen D-455 et al.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Tams Bixby.

Commissioner.

Incl. 27-64.
GEC

C&T.

Muskogee, Indian Territory, September 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jackson and Caroline Davis; Sallie Whitefire, and her grandchildren, Ellen, Sarah, Fohn, Josie, and Charlie Ward; John D. Davis; William Davis; Ellen Bell and her children, John G., Dora, Charlie, Carrie, Buddie N., Sarah, and Julia Blackburn; and Minnie Dunn, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 20, 1906, rejecting said applications.

Respectfully,

Tams Bixby.
Commissioner.

Inl. 6L-65.
GSL.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedmen case of Jackson Davis, et al, R. 488, et al. Copy of this reply is shown to have been served on Starr and Patten, Vinita, Indian Territory, attorneys for applicants. The records of this office fail to show that a motion for a rehearing in this case has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applicants embraced in the Cherokee freedmen enrollment case of Jackson Davis, et al, was, together with the record of proceedings had in the case, forwarded to the Department on September 30, 1905.

Respectfully,

Encl.N.A.22-R.

Commissioner.

Through the Commissioner
of Indian Affairs.

[illegible]

D.[illegible]-1904. F.D.jr.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D. [illegible]-1904,
[illegible]
[illegible]
[illegible]-1904.
[illegible]

November [illegible], 1904.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 13, 1904 (Land 78718), the Indian Office transmitted your report dated September 30, 1903, forwarding the record in the matter of the applications for enrollment as Cherokee freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself; by Eliza Ball for herself and her minor children, John C., Nora, Charlie, Jr., Carrie, Buddie N., Sarah, and Julia Blackburn, and by Mannie Bean for herself. Accompanying this record is your decision dated September 29, 1903, adverse to all of the applicants.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

On September 7, 1903, the attorneys for the applicants filed a motion for review in this case. This motion is considered to be without merit and is hereby denied.

On November 4, 1906, the attorneys for the applicants protested against your decision adverse to these applicants.

On November 13, 1906, the Indian Office transmitted a communication dated November 8, 1906, from the attorneys for the nation, filing argument in reply to the protest of the applicants' attorney.

On August 10, 1906, the attorneys for the applicants filed a motion for rehearing in order that further testimony might be introduced in behalf of the applicants.

On September 11, 1906, the Indian Office transmitted your letter dated August 22, 1906, forwarding the reply of the nation to the motion for rehearing.

The Department has considered the motion for rehearing. The supporting affidavits show no new evidence which by diligent search could not have been discovered prior to the closing of the case. The evidence desired to be introduced appears to be merely cumulative, and being negative in character would be ineffective.

Said motion is hereby denied.

An examination of the testimony in the case discloses no error in your decision.

The preponderance of evidence establishes the fact that the principal applicant did not remove to and take up his residence in the Cherokee Nation as contemplated by the treaty of 1866 and the act of Congress approved April 26, 1906 (34

Stat., 137). This, together with the presumption raised by the decision of the Supreme Court of the Cherokee Nation, dated June 8, 1871, adverse to the principal applicant in this case, is decisive.

Your decision is affirmed.

The record, motion and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc.12 inclosures to I.O.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
D 740

Muskogee, Indian Territory, December 12, 1906

Mannie Rean,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 29, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Department on November 30, 1906, a motion for review of said case filed by your attorneys September 7, 1905, and a motion for rehearing filed August 10, 1906, were denied by the Department on the same date.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 482 et al.

Muskogee, Indian Territory, December 14, 1906.

Hise & Dalgar,

Attorneys for Jackson Davis et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department on November 30, 1906. Your motions for review of said cases filed September 7, 1905, and for rehearing filed August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Regl.D-58
L.N.R.

Cherokee Freedmen
D 443 et al.

Muskogee, Indian Territory, December 11, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department, November 26, 1906. A motion for review in said cases filed by attorneys for applicants on September 7, 1906, and a motion for rehearing filed on August 16, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl. D-54
L.W.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.

OCT 11 1901

ACTING CHAIRMAN

# NOTICE!

[illegible] per application of Mannie Bean [illegible]
for enrollment as Cherokee Freedman

Case No. F. D. 740

To Mannie Bean Hayden I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes, in the town of Vinita Indian Territory on Oct. 11th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

C. A. Bell

N. M. Hastings

J. P. Davenport

Attorneys for the Cherokee Nation.

# AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Mamie Bean for enrollment as a Cherokee Freedman

No. 1 D 740

Henry Pack of lawful age, being duly sworn on oath states that on the 20th day of September A. D., 1901, he registered to Mamie Bean whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 9th day of October, 1901, he received the return card which is hereto attached, signed by the said Mamie Bean, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 9th day of Oct A. D. 1901.

J. O. Starr Notary Public.

11.17 Previous notice also in Gen. Cat.
11.21 Previous notice also in Gen. Cat.

HARVARD
OCT 31 1933
DUPLICATE

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

END
OF
REEL